

PUBLIC SAFETY AND INFRASTRUCTURE AND DEVELOPMENT COMMITTEE

AGENDA

April 19, 2021, 5:30 PM

Board of Commissioners Hybrid Meeting

Zoom Virtual Meeting ID: 399-700-0062 / Password: LCBOC

<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

304 E. Grand River Ave., Board Chambers, Howell, Michigan

Due to limited seating and MDHHS social distancing requirements, public participation is encouraged via Zoom

Pages

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8. **CALL TO THE PUBLIC**
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PUBLIC SAFETY AND INFRASTRUCTURE AND DEVELOPMENT COMMITTEE

MEETING MINUTES

March 15, 2021

5:30 PM

Virtual Meeting Held in Accordance with Public Act 254 of 2020

Zoom Virtual Meeting

Meeting ID: 399-700-0062 / Password: LCBOC

<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

Members Present:

Jay Drick - Village of Hudson, FL

Jay Gross - Green Oak Township, MI

Carol Griffith - Genoa Township, MI

Carol Sue Reader - Deerfield Township, MI

1. CALL MEETING TO ORDER

The meeting was called to order by Commissioner Gross at 5:30 pm

2. ROLL CALL

Jay Gross - Green Oak Township, MI

Carol Griffith - Genoa Township, MI

Carol Sue Reader - Deerfield Township, MI

Jay Drick - Village of Hudson, FL

3. APPROVAL OF MINUTES

Minutes of Meeting dated: February 16, 2021

Minutes approved as presented.

Moved By C. Griffith

Seconded By Jay Drick

Yes (4): J. Gross, C. Griffith, C. Reader, and Jay Drick

Motion Carried (4 to 0)

4. APPROVAL OF AGENDA

Agenda approved as presented.

Moved By C. Griffith

Seconded By Jay Drick

Yes (4): J. Gross, C. Griffith, C. Reader, and Jay Drick

Motion Carried (4 to 0)

5. REPORTS

5.1 Sheriff's Office Update

Sheriff Mike Murphy updated the Committee on the status of the training property search.

6. CALL TO THE PUBLIC: None.

7. RESOLUTIONS FOR CONSIDERATION

7.1 Emergency Management

Resolution Authorizing Livingston County to Declare a Local State of Emergency

Moved By C. Griffith

Seconded By C. Reader

Yes (4): J. Gross, C. Griffith, C. Reader, and Jay Drick

Motion Carried (4 to 0)

8. CALL TO THE PUBLIC

Mark Fosdick - Cohoctah Township, MI: Spoke regarding the Local Emergency Resolution

9. ADJOURNMENT

Meeting Adjourned at 6:07 pm

Moved By C. Griffith

Seconded By Jay Drick

Yes (4): J. Gross, C. Griffith, C. Reader, and Jay Drick

Motion Carried (4 to 0)



Carol Sue Jonckheere, Recording Secretary

Memo

To: Livingston County Infrastructure and Development Committee

From: Ken Recker, Chief Deputy Drain Commissioner

Cc: Brian Jonckheere, Livingston County Drain Commissioner
Mitch Dempsey, Environmental Projects Manager

Date: April 14, 2021

Re: Phase II / MS4 Permitting Update No. 3

Please accept this as an update to the communication submitted previously regarding Livingston County Obligations under Phase II of the Federal Clean Water Act. Since committee membership has changed since our previous update in 2019, I'll begin with a brief introduction to this issue. It has to do with the proposed Municipal Separate Storm Sewer System (MS4) permits issued under the National Pollutant Discharge Elimination System (NPDES), administered by the Michigan Department of Energy, Great Lakes, and Environment (EGLE) on behalf of the United States Environmental Protection Agency (EPA). This is important since it involves the Clean Water Act, which is a powerful statute affecting virtually all activities negatively impacting surface waters defined as Waters of the United States (WOTUS).

What is Phase II: Phase II of the NPDES MS4 permitting program is the next step in the national regulation of discharges to the surface waters of Michigan. While Phase I was initiated in response to the extreme pollution seen from industrial discharges and municipal wastewater system discharges in the 1960s, Phase II regulates storm water discharges under the authority of municipal entities within "urbanized areas" throughout the country. The County is subject to the provisions of Phase II since portions of the county lie within the southeastern Michigan urbanized area, and county properties include storm water infrastructure. In 2003, the Phase II MS4 permit was issued to the County, and the Board of Commissioners elected to designate my office with the responsibility of fulfilling the County's Phase II permit obligations. We applied for a new permit in 2013 but currently are still working under the 2003 permit.

Continuing a process that began in early 2018, we are approaching 95% completion in our collaborative approach with Oakland, Macomb, and Wayne counties on a joint basis for county stormwater rules. Concurrent with that effort, we have held meetings with stakeholders in local government, the Home Builders Association, Developers and local Engineering firms. After several months of discussion, meetings, and exchanged correspondence between the county workgroup and EGLE, agreement was reached on the infiltration components of the new stormwater standard in November of 2020.

At Issue: EGLE provided us with a draft public notice on March 18, 2021 (attachment 1). We submitted comments for their consideration on April 8, 2021, and those comments are included with EGLE's response in Attachment 2. Per conversations between EGLE staff and my office, the state will allow us to implement new stormwater standards by October 1, 2021. Therefore I will be bringing new stormwater standards before you for adoption by the Board of Commissioners later this summer.

Below is an outline of the permitting timeline:

- Public Notice Issued by EGLE: May 1, 2021
- End of Comment Period to EGLE: June 1, 2021
- Permit issued by EGLE: July 1, 2021.

NEXT STEPS:

- Move forward with stakeholder meetings (and meetings with our workgroup of adjoining counties) as details of the proposed revisions to the storm water design standards are worked out.
- Continue to work with our SE Michigan (adjoining county) partners to keep design standards as consistent as possible across the Livingston/Oakland/Macomb/Wayne communities.
- Adopt the revised drainage standards and submit to EGLE by the October 1st deadline. (The remainder of the EGLE comments regarding the 2013 permit application have been addressed.)
- React accordingly to the comments we receive back from EGLE on the proposed standards.

The intent of this update is to keep you apprised of this process given the wide-reaching impacts and authority under the Clean Water Act. The good news is that we should be able to complete revisions to the storm water design standards in time to avoid any compliance issues with the state in 2021. We will keep this board apprised of new developments.

PUBLIC NOTICE

Date: DRAFT
Permit No.: MI0060140
Designated Site Name: Livingston Co MS4

The Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), proposes to reissue a permit to Livingston County for the Livingston County Municipal Separate Storm Sewer System located in Livingston County, Michigan. The applicant discharges storm water to surface waters of the state of Michigan.

The draft permit includes the following modifications to the previously-issued permit: This individual permit supersedes Certificate of Coverage No. MIG610202.

Copies of the permit application, Public Notice, and draft permit may be obtained via the Internet at <https://miwaters.deq.state.mi.us> (select 'Public Notice Search,' enter the permit number into the search field, and then click 'Search'), or you may request copies be mailed to you by contacting Ms. Sherry Thelen at e-mail: ThelenS5@michigan.gov, or telephone: 517-284-5570.

Persons wishing to submit comments or request a public hearing should go to <https://miwaters.deq.state.mi.us>, select 'Public Notice Search,' search for this public notice by entering the permit number into the search field, click 'Search,' click 'View,' click 'Add Comment,' enter information into the fields, and then click 'Submit.' Comments or objections to the draft permit received by DATE, will be considered in the final decision to issue the permit, as will comments made at a public hearing should one be held by the Department on the draft permit.

Any person may request the Department to hold a public hearing on the draft permit. The request should include specific reasons for the request, indicating which portions of the draft permit constitute the need for a hearing. If submitted comments indicate significant public interest in the draft permit or if useful information may be produced, the Department may, at its discretion, hold a public hearing on the draft permit.

If a public hearing is scheduled, public notice of the hearing will be provided at least 30 days in advance. The hearing will normally be held in the vicinity of the discharge. Inquiries should be directed to Elaine Wild, Permits Section, WRD, EGLE, P.O. Box 30458, Lansing, Michigan 48909-7958; telephone: 517-599-6084; or e-mail: WildE2@michigan.gov.

PERMIT NO. MI0060140



STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*, as amended; the "Federal Act"); Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); Part 41, Sewerage Systems, of the NREPA; and Michigan Executive Order 2019-06,

Livingston County
304 East Grand River
Howell, MI 48843

is authorized to discharge from the Municipal Separate Storm Sewer System (MS4)

designated as **Livingston Co MS4**

to surface waters of the state of Michigan in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit.

This permit takes effect on DRAFT. This permit is based on a complete application submitted on March 4, 2008, as amended through October 13, 2020.

The provisions of this permit are severable. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term in accordance with applicable laws and rules. On its effective date this permit shall supersede Certificate of Coverage No. MIG610202, issued on December 5, 2003, which is hereby revoked upon the effective date of this permit.

This permit and the authorization to discharge shall expire at midnight, **October 1, 2024**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit an application which contains such information, forms, and fees as are required by the Department of Environment, Great Lakes, and Energy (Department) by **April 4, 2024**.

Issued DRAFT.

Christine Alexander, Manager
Permits Section
Water Resources Division

PERMIT FEE REQUIREMENTS

In accordance with Section 324.3118 of the NREPA, the permittee shall make payment of an annual storm water fee to the Department for each January 1 the permit is in effect regardless of occurrence of discharge. The permittee shall submit the fee in response to the Department's annual notice. Payment may be made electronically via the Department's MiWaters system. The MiWaters website is located at <https://miwaters.deq.state.mi.us>. Payment shall be submitted or postmarked by March 15 for notices mailed by February 1. Payment shall be submitted or postmarked no later than 45 days after receiving the notice for notices mailed after February 1.

Annual Permit Fee Classification: Municipal Storm Water – County

CONTACT INFORMATION

Unless specified otherwise, all contact with the Department required by this permit shall be made to the Lansing District Office of the Water Resources Division. The Lansing District Office is located at 525 West Allegan Street, 1st Floor, South Tower, Lansing, MI 48933, Telephone: 517-284-6651, Fax: 517-241-3571.

CONTESTED CASE INFORMATION

Any person who is aggrieved by this permit may file a sworn petition with the Michigan Administrative Hearing System within the Michigan Department of Licensing and Regulatory Affairs, c/o the Michigan Department of Environment, Great Lakes, and Energy, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Department of Licensing and Regulatory Affairs may reject any petition filed more than 60 days after issuance as being untimely.

PART I**Section A. Limitations and Monitoring Requirements****1. Authorized Discharges**

- a. **Authorized Outfalls and Points of Discharge**
This permit authorizes the discharge of storm water from the permittee's MS4 to the surface waters of the state via the outfalls and points of discharge identified in the permittee's application and as modified in accordance with this permit. Such discharges shall be controlled and monitored by the permittee in accordance with this permit.
- b. **Nested MS4 Discharges**
This permit authorizes the discharge of storm water to surface waters of the state from a nested MS4 owned or operated by public bodies that include, but are not limited to, public school districts; public universities; airports; or county, state, or federal agencies. The permittee may request to modify permit coverage to add or remove a nested MS4 by submitting a request to the Department for approval. Modifications to the permit coverage may result in a permit modification, after opportunity for public comment.
- c. **Discharges Authorized Under Other National Pollutant Discharge Elimination System (NPDES) Permits**
This permit does not prohibit the use of an MS4 for other discharges authorized under other NPDES permits, or equivalent Department approval under the NREPA or the Federal Act.
- d. **Water Quality Requirements**
Discharges from the permittee's MS4 shall not cause or contribute to an exceedance of water quality standards in the receiving waters. This includes, but is not limited to, the requirement set forth in R 323.1050 of the Water Quality Standards stating that the receiving waters shall not have any of the following unnatural physical properties as a result of the discharge, in quantities which are or may become injurious to any designated use: turbidity, color, oil films, floating solids, foams, settleable solids, suspended solids, or deposits.

2. Outfall or Point of Discharge Identified, Constructed, or Installed After Permit Issuance

- a. **Outfall or Point of Discharge Within the Permittee's Regulated Area**
Authorization from the Department is required to discharge storm water to a surface water of the state from a permittee owned or operated outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit and located within the permittee's regulated area as identified in the application. For each outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit, the permittee shall request authorization to discharge storm water by providing the following to the Department in a written request:
 - 1) whether the discharge is from an outfall or point of discharge;
 - 2) the outfall or point of discharge identification number assigned by the permittee;
 - 3) the surface water of the state receiving the discharge from the outfall or point of discharge;
 - 4) a certification statement that the outfall or point of discharge is within the permittee's regulated area as identified in the application;
 - 5) a certification statement that the previously approved Storm Water Management Program (Part I.A.3. of this permit) includes best management practices (BMPs) to comply with the minimum requirements of the permit for the outfall or point of discharge; and

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Section A. Limitations and Monitoring Requirements

- 6) a certification statement that the previously approved Storm Water Management Program (Part I.A.3. of this permit) is being implemented in the regulated area served by the outfall or point of discharge, including having available an up-to-date storm sewer system map required in Part I.A.3.d.1) of this permit.
- b. Outfall or Point of Discharge Outside the Permittee's Regulated Area
- Authorization from the Department is required to discharge storm water to a surface water of the state from a permittee owned or operated outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit and located outside the permittee's regulated area as identified in the application (e.g., area served by an expanded MS4 or area previously served by a combined sewer system that is now separated). For each outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit, the permittee shall request authorization to discharge storm water by providing the following to the Department in a written request:
- 1) whether the discharge is from an outfall or point of discharge;
 - 2) the outfall or point of discharge identification number assigned by the permittee;
 - 3) the surface water of the state receiving the discharge from the outfall or point of discharge;
 - 4) a map identifying the expanded regulated area served by the permittee's MS4;
- 5) a certification statement that the previously approved Storm Water Management Program (Part I.A.3. of this permit) includes BMPs to comply with the minimum requirements of the permit for the outfall or point of discharge and expanded regulated area; and
 - 6) a certification statement that the previously approved Storm Water Management Program (Part I.A.3. of this permit) is being implemented in the expanded regulated area served by the outfall or point of discharge, including having available an up-to-date storm sewer system map as required in Part I.A.3.d.1) of this permit.
- c. Upon review of the request to authorize the discharge from an outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit in accordance with Part I.A.2.a. or Part I.A.2.b. of this permit, the Department may determine that a permit modification is required, after opportunity for public comment. The Department will notify the permittee if a modification is required.

3. Storm Water Management Program (SWMP)

The permittee submitted a SWMP with its application for an NPDES permit. The SWMP is approved as submitted. The permittee shall implement the approved SWMP to comply with the minimum requirements identified in this permit. The SWMP shall cover the regulated area served by, or otherwise contributing to discharges from, the MS4 owned or operated by the permittee identified in the application. The permittee shall implement and enforce the SWMP to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the NREPA and the Federal Act. The approved SWMP is an enforceable part of this permit and any Department approved modifications made to the SWMP shall also become enforceable parts of this permit.

- a. Enforcement Response Procedure (ERP)
The permittee shall implement the ERP for violations of the permittee's ordinances or regulatory mechanisms identified in the SWMP to the maximum extent practicable. The ERP shall be implemented to compel compliance with the permittee's ordinances and/or regulatory mechanisms and to deter continuing violations.

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Section A. Limitations and Monitoring Requirements

The permittee shall track and document all enforcement conducted pursuant to the permittee's ERP. At a minimum, the permittee shall track and document the following: the name of the person responsible for violating the permittee's ordinance or regulatory mechanism; the date and location of the violation; a description of the violation; a description of the enforcement response used; a schedule for returning to compliance; and the date the violation was resolved.

b. Public Participation/Involvement Program (PPP)

The permittee shall implement the PPP to encourage public participation/involvement in the implementation and periodic review of the SWMP to the maximum extent practicable. The permittee shall implement the PPP as part of the SWMP. The permittee has chosen to work collaboratively with watershed or regional partners to implement the PPP or part of the PPP, therefore each permittee working collaboratively is responsible for complying with the PPP as described in the SWMP.

The PPP requires implementation of the following minimum requirements:

- 1) The procedure for making the SWMP available for public inspection and comment, including complying with local public notice requirements, as appropriate; and
- 2) The procedure for inviting public participation and involvement in the implementation and periodic review of the SWMP.

c. Public Education Program (PEP)

The permittee shall implement the PEP as part of the SWMP to the maximum extent practicable. At the minimum, the PEP shall promote, publicize, and facilitate education for the purpose of encouraging the public to reduce the discharge of pollutants in storm water runoff. The PEP shall be implemented to achieve measurable improvements in the public's understanding of storm water pollution and efforts to reduce the impacts of storm water pollution. The permittee has chosen to work collaboratively with watershed or regional partners to implement the PEP or part of the PEP, therefore each permittee working collaboratively is responsible for complying with the PEP as described in the SWMP.

The permittee shall implement the PEP in accordance with the procedure for prioritizing the following PEP topics based on high-priority, community-wide issues and targeted issues to reduce pollutant loads to storm water to the maximum extent practicable.

The PEP requires implementation of the following minimum requirements:

- 1) BMPs to address the following PEP topics:
 - (a) Promote public responsibility and stewardship in the permittee's watershed.
 - (b) Inform and educate the public about the connection of the MS4 to area waterbodies and the potential impacts discharges can have on surface waters of the state.
 - (c) Educate the public on illicit discharges and promote public reporting on illicit discharges and improper disposal of materials into the MS4.
 - (d) Promote preferred cleaning materials and procedures for car, pavement, and power washing.
 - (e) Inform and educate the public on proper application and disposal of pesticides, herbicides, and fertilizers.
 - (f) Promote proper disposal practices for grass clippings, leaf litter, and animal wastes that may enter into the MS4.

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- (g) Identify and promote the availability, location, and requirements of facilities for collection or disposal of household hazardous wastes, travel trailer sanitary wastes, chemicals, and motor vehicle fluids.
- (h) Inform and educate the public on proper septic system care and maintenance, and how to recognize system failure.
- (i) Educate the public on, and promote the benefits of, green infrastructure and Low Impact Development.
- (j) Promote methods for managing riparian lands to protect water quality.
- (k) Identify and educate commercial, industrial, and institutional entities likely to contribute pollutants to storm water runoff.

2) The procedure for determining the overall effectiveness of implementation and the process for modifying the PEP to address ineffective implementation. The Department may determine that a permit modification is required, after opportunity for public comment, based on modifications to the PEP. The Department will notify the permittee if a modification is required.

d. **Illicit Discharge Elimination Program (IDEP)**

The permittee shall implement and enforce the IDEP to detect and eliminate illicit discharges and connections to the permittee's MS4. The permittee shall implement the IDEP as part of the SWMP to the maximum extent practicable. The permittee has chosen to work collaboratively with watershed or regional partners to implement the IDEP or part of the IDEP, therefore each permittee working collaboratively is responsible for complying with the IDEP as described in the SWMP.

The IDEP requires implementation of the following minimum requirements:

1) An available, up-to-date storm sewer system map identifying the following: the storm sewer system, location of all outfalls and points of discharge the permittee owns or operates in the regulated area, and the names and location of all surface waters of the state that receive discharges from the permittee's MS4. The map shall be retained by the permittee and made available to the Department upon request. The map shall be maintained and updated as outfalls and points of discharge are identified, constructed, and installed in accordance with Part I.A.2. of this permit.

2) The plan to detect and eliminate non-storm water discharges to the permittee's MS4, including illegal dumping/spills. The plan includes the following:

- a) A procedure for conducting field observations, field screening, and source investigations. The permittee shall conduct a field observation in accordance with the procedure during dry-weather at least once during the term of the permit. Field screening and source investigation shall be conducted in accordance with the schedule in the procedure.

Field observations, field screening, and source investigations shall include the following:

- (1) **Field Observation** – The permittee shall observe the outfall or point of discharge for the following during dry-weather in accordance with the procedure: presence/absence of flow, water clarity, color, odor, floatable materials, deposits/stains on the discharge structure and bank, vegetation condition, structural condition, and biology (e.g. bacterial sheens, algae, and slimes).

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(2) Field Screening – If flow is observed at an outfall or point of discharge, the permittee shall analyze the flow for the indicator parameters identified in the procedure. If the source of an illicit discharge is identified during the field observation, field screening may not be necessary.

(3) Source Investigation – If the source of the illicit discharge was not identified by the field screening, the permittee shall conduct an investigation to identify the source in accordance with the procedure. If the permittee opts to use tracer dyes, the discharge of the dyes shall be authorized in accordance with Part I.A.6. of this permit.

If the permittee is made aware of illegal dumping/spills, or complaints received, the permittee shall conduct field observations and follow-up field screening and source investigations as appropriate in accordance with the procedure, including the schedule, in the IDEP. The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state in accordance with Part II.C.7. of this permit.

- b) A procedure for responding to illicit discharges and pursuing enforcement action. The permittee shall implement the procedure to respond and pursue enforcement action once the source of the illicit discharge is identified, including the corrective action required to eliminate the illicit discharge. The permittee shall also implement the procedure to respond to illegal spills/dumping. For each illicit discharge not eliminated within 90 days of its discovery, the permittee shall provide, with the next progress report due, a written certification that the illicit discharge was eliminated or a description of how the illicit discharge will be eliminated.

3) The employee training program, which includes the following:

- a) Training on techniques for identifying illicit discharges and connections, including field observations, field screening, and source investigations;
- b) Training on procedures for reporting, responding to, and eliminating an illicit discharge or connection and the proper enforcement response; and
- c) A schedule and requirement for training at least once during the term of the permit for existing staff and within the first year of hire for new staff.

4) The procedure for IDEP evaluation and determining the overall effectiveness of the IDEP.

e. Construction Storm Water Runoff Control Program

The permittee shall implement the construction storm water runoff control program to address areas of construction activity that disturb one (1) or more acres, including projects less than one (1) acre that are part of a larger common plan of development or sale. The permittee shall implement the construction storm water runoff control program as part of the SWMP to the maximum extent practicable.

The construction storm water runoff control program requires implementation of the following minimum requirements:

- 1) The procedure to notify the Part 91 Agency, or appropriate staff (if the permittee is a Part 91 Agency), when soil or sediment is discharged to the permittee's MS4 from a construction activity.
- 2) The procedure to notify the Department when soil, sediment, or other pollutants are discharged to the permittee's MS4 from a construction activity.

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3) The procedure for ensuring that construction activity one (1) acre or greater in total earth disturbance with the potential to discharge to the permittee's MS4 obtains a Part 91 permit or is conducted by an approved Authorized Public Agency, as appropriate.

4) The procedure to advise the landowner or recorded easement holder of the State of Michigan Permit by Rule (R 323.2190 of the Part 21 Rules promulgated pursuant to Part 31 of the NREPA).

f. **Post-Construction Storm Water Runoff Program**

The permittee shall implement and enforce the program to address post-construction storm water runoff from new development and redevelopment projects that disturb one (1) or more acres, including projects less than one (1) acre that are part of a larger common plan of development or sale, and that discharge into the permittee's MS4. The permittee shall implement and enforce the post-construction storm water control program as part of the SWMP, to the maximum extent practicable and in accordance with the approved ordinance or regulatory mechanism.

1) On or before October 1, 2021, the permittee shall submit to the Department for approval an in-effect Post-Construction Storm Water Control regulatory mechanism to achieve the post-construction storm water runoff performance standards set forth in a) and b) below at the project site (including projects where the permittee is the project developer). Upon Department approval of the in-effect regulatory mechanism, the permittee shall implement and enforce the regulatory mechanism requiring implementation of BMPs by the project developer (including the permittee if the permittee is the project developer) to achieve the post-construction storm water runoff performance standards at the project site to the maximum extent practicable.

a) **Water Quality Control (WQC) Performance Standard**

Treat the post-development runoff volume generated from a 1.0-inch rainfall event. BMPs shall be designed on a site-specific basis to achieve a minimum of 80 percent removal of total suspended solids (TSS) as compared with uncontrolled runoff or a discharge concentration of TSS not to exceed 80 milligrams per liter (mg/l).

b) **Channel Protection Control Performance Standard (CPC)**

The CPC shall be implemented to limit the surface runoff rate and volume at the project site to maintain or restore stable hydrology in receiving waters. An alternative CPC was approved as part of the SWMP. The alternative CPC requires implementation of the following at the project site to the maximum extent practicable:

(1) **Channel Protection Volume Control (CPVC):** Retain onsite the post-development runoff volume from a 1.3-inch rainfall event, and

(2) **Channel Protection Rate Control (CPRC):** Provide extended detention for the post-development runoff volume from a 1.9-inch rainfall event.

On or before April 1, 2022 and on or before April 1 of each year following, as part of the approved alternative, the permittee shall submit an annual report to the Department for the previous calendar year documenting the results of implementing the alternative CPC within the regulated area. The annual report shall tabulate the following for each development or redevelopment project subject to the permittee's alternative CPC (including projects where the permittee is the project developer) and provide an overall summary for each reporting line:

(1) Change in impervious area, pervious area by cover type, and total area by site.

(2) CPVC volume provided at the site.

(3) Difference between required and provided CPVC volume by site.

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- (4) Percent of site in each Hydrologic Soil Group (Type A, B, C, D).
- (5) Site location in geographic information system (GIS) polygon format, or an approved alternative format.
- (6) Site outfalls and points of discharge in GIS point format, or an approved alternative format.
- (7) Site MS4 outfall drainage area in GIS polygon format, or an approved alternative format, including any offsite drainage that passes through the outfall or points of discharge.
- (8) CPRC volume provided at the site.
- (9) Difference between required and provided CPRC volume by site.

The Department will provide a written determination to the permittee based on the review of each progress report. The permittee shall submit available documentation to support implementation of the alternative CPC, such as approved project plans, upon request. The permittee may submit information to support implementation of the alternative CPC in addition to the reporting requirements above as part of the progress report.

The alternative CPC approval is limited to the permit term. The results from the annual reports will be evaluated as part of permit reissuance using methods agreed to by the permittee and the Department, which may result in an updated alternative CPC. A modification to the alternative CPC during the permit term will result in a permit modification after opportunity for public comment.

- 2) The permittee shall implement and enforce the following site-specific requirements as part of meeting the post-construction storm water runoff performance standards set forth in a) and b), above:
 - a) The procedure for reviewing the use of infiltration BMPs to achieve the performance standards in areas of soil or groundwater contamination in a manner that does not exacerbate existing conditions.
 - b) The ordinance or regulatory mechanism requiring BMPs to address the associated pollutants in potential hot spots as part of meeting the performance standards. Hot spots include areas with the potential for significant pollutant loading including, but not limited to, the following: gas stations; vehicle maintenance and repair; auto recyclers; recycling centers and scrap yards; landfills; solid waste facilities; and railroads. Hot spots also include areas with the potential for contaminating public water supply intakes.
- 3) All structural and vegetative BMPs installed and implemented to meet the performance standards shall be operated and maintained in perpetuity by the owner/operator. The permittee shall implement and enforce the ordinance or regulatory mechanism program to ensure long-term operation and maintenance of BMPs.
- 4) The ordinance or regulatory mechanism and procedures for site plan review and approval for projects that disturb one (1) or more acres, including projects less than one (1) acre that are part of a larger common plan of development or sale, and discharge to the permittee's MS4, including projects where the permittee is the developer. The site plan review and approval shall demonstrate compliance with the performance standards and long-term operation and maintenance requirements of this permit.

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- g. Pollution Prevention and Good Housekeeping Activities for Municipal Operations
The permittee shall implement the pollution prevention and good housekeeping program with the goal of preventing or reducing pollutant runoff from municipal facilities and operations that discharge storm water to surface waters of the state. The permittee shall implement the program as part of the SWMP to the maximum extent practicable.

1) Municipal Facility and Structural Storm Water Control Inventory

The permittee shall make available to the Department upon request an up-to-date map or maps of the facilities and structural storm water controls owned or operated by the permittee with a discharge to surface waters of the state in the regulated area. In accordance with the procedure for updating and revising the permittee's facility inventory and map(s), the permittee shall submit to the Department the type and location for any new facility obtained or constructed during this permit term with a discharge of storm water to surface waters of the state and the information requested in Part I.A.2. of the permit.

2) Facility-Specific Storm Water Management

The permittee shall implement the facility-specific standard operating procedure (SOP) for each facility the permittee identified as having the high potential to discharge pollutants to surface waters of the state. The permittee shall implement the BMPs identified in the procedure to prevent or reduce pollutant runoff at each facility the permittee identified as having the medium or low potential to discharge pollutants to surface waters of the state. The permittee shall assess new facilities for the potential to discharge pollutants to surface waters of the state in accordance with the procedure to determine a priority level. High-priority facilities shall include permittee-owned or operated fleet maintenance and storage yards unless a demonstration is submitted and approved by the Department demonstrating how the permittee's fleet maintenance or storage yard has the low potential to discharge pollutants to surface waters of the state. The assessment shall be submitted in writing to the Department for approval within 30 days of ownership or operation of the new facility. The permittee shall certify in writing to the Department that a facility-specific SOP is being implemented within 90 days of ownership or operation of a new high-priority facility. Within 90 days of ownership or operation, the permittee shall certify in writing to the Department that BMPs are being implemented in accordance with the procedure developed to prevent or reduce pollutant runoff at each new medium- or low-priority facility. For new facilities, the Department may determine that a permit modification is required, after opportunity for public comment. The Department will notify the permittee if a modification is required. The permittee shall document all other changes to the facility assessment as part of the progress report and as an update to the procedure.

The facility-specific SOP shall be kept at the site described in the SOP and made available upon request by the Department. The facility-specific SOP for each high-priority facility shall include implementation of the following.

- a) Structural and non-structural storm water controls to prevent or reduce the discharge of pollutants to surface waters of the state.
- b) Up-to-date list of significant materials stored on-site that could pollute storm water with a description of the handling and storage requirements and potential to discharge for each significant material.
- c) Good housekeeping practices including, but not limited to, maintaining a clean and orderly facility, properly storing and covering materials, and minimizing pollutant sources to prevent or reduce pollutant runoff.
- d) Routine maintenance and inspections of storm water management and control devices to ensure materials and equipment are clean and orderly and prevent or reduce pollutant runoff. The written report of the inspection and corrective actions shall be retained in accordance with Part II.B.5. of this permit.

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Section A. Limitations and Monitoring Requirements

- e) Comprehensive site inspections at least once every six (6) months. The comprehensive site inspection shall include an inspection of all structural storm water controls and a review of non-structural storm water controls to prevent or reduce pollutant runoff. A written report of the inspection and corrective actions shall be retained in accordance with Part II.B.5. of this permit.
- 3) Structural Storm Water Control Operation and Maintenance Activities
 - a) The permittee shall implement the procedures for inspecting, cleaning, and maintaining permittee-owned or operated catch basins in the regulated area using the priority level assigned to each catch basin. The permittee shall document changes to the priority level for a catch basin as part of the progress report and as an update to the procedure.

The permittee shall also implement the procedure for dewatering and disposal of materials extracted from the catch basins in accordance with Part 111 (Hazardous Waste), Part 115 (Solid Waste), and Part 121 (Liquid Industrial Waste) of the NREPA.
 - b) The permittee shall implement the procedure for inspecting and maintaining permittee-owned or operated structural storm water controls other than catch basins in the regulated area. The permittee shall document changes to the procedure as part of the progress report and as an update to the procedure.
 - c) The permittee shall implement the procedure requiring that new permittee-owned or operated facilities or structural storm water controls to address water quantity be designed and implemented in accordance with the post-construction storm water runoff performance standards and long-term operation and maintenance requirements in Part I.A.3.f. of this permit.
- 4) Municipal Operations and Maintenance Activities
 - a) The permittee shall implement the procedure, including the BMPs identified, to prevent or reduce pollutant runoff from the permittee's operation and maintenance activities identified in the SWMP. The permittee shall document changes to the assessment of operation and maintenance activities for the potential to discharge pollutants to surface waters of the state as part of the progress report and as an update to the procedure.
 - b) The permittee shall implement the procedure for the street sweeping program for permittee-owned or operated streets, parking lots, or other impervious infrastructure in the regulated area using the sweeping methods and assigned priority levels identified in the procedure. The permittee shall document changes to the priority level for a street, parking lot, or other impervious infrastructure as part of the progress report and as an update to the procedure.

The permittee shall also implement the procedure for dewatering and disposal of street sweeper waste material.
- 5) Managing Vegetated Properties

The permittee shall implement the procedure requiring the permittee's pesticide applicator to be certified by the State of Michigan as an applicator in the applicable category, to prevent or reduce pollutant runoff from vegetated land.
- 6) Employee Training

The permittee shall implement the employee training program to train employees involved in implementing pollution prevention and good housekeeping activities. At a minimum, existing staff shall be trained once during the permit cycle and new hire employees within the first year of their hire date.

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Section A. Limitations and Monitoring Requirements

7) Contractor Requirements and Oversight

The permittee shall implement the procedure requiring contractors hired by the permittee to perform municipal operation and maintenance activities that comply with the permittee's pollution prevention and good housekeeping program and contractor oversight to ensure compliance.

h. Total Maximum Daily Load (TMDL) Implementation Plan

The permittee shall implement the TMDL Implementation Plan to reduce the discharge of pollutants from the permittee's MS4 to make progress in meeting Water Quality Standards. The permittee shall implement the TMDL Implementation Plan as part of the SWMP. The permittee has chosen to work collaboratively with watershed or regional partners to implement this plan or part of the plan, therefore each permittee is responsible for complying with the plan as described in the SWMP.

The following TMDLs are applicable to the discharge from the permittee's MS4:

<u>Name of TMDL</u>	<u>Pollutant of Concern</u>
Brighton Lake	Phosphorus
Strawberry Lake	Phosphorus

The permittee shall implement the prioritized BMPs included in the TMDL Implementation Plan during the permit cycle to make progress in achieving the pollutant load reduction requirement in the TMDL. The permittee shall review, update, and revise the list of BMPs implemented as part of the TMDL Implementation Plan in accordance with the procedure included in the SWMP. The Department may determine that a permit modification is required, after opportunity for public comment, based on modifications to the TMDL Implementation Plan. The Department will notify the permittee if a modification is required.

The permittee shall implement the monitoring plan included in the TMDL Implementation Plan for assessing the effectiveness of the BMPs implemented in making progress toward achieving the TMDL pollutant load reduction. Available monitoring data shall be submitted with each progress report.

4. SWMP Modifications

a. SWMP Modifications Requested by the Permittee

Modifications to the previously approved SWMP may be requested by the permittee as follows:

1) Modifications adding BMPs (but not replacing, subtracting, or affecting the level of implementation of any other BMP) to the previously approved SWMP may be made by the permittee at any time upon written notification to the Department. Notification shall include a description of the modification, which may include a description of a new BMP with a corresponding measurable goal. Upon notification to the Department, the modification is considered an enforceable part of the approved SWMP.

2) Modifications replacing an ineffective or unfeasible BMP identified in the previously approved SWMP with an alternative BMP may be requested at any time by written notification to the Department. The ineffective or unfeasible BMP identified shall not be replaced in the previously approved SWMP unless the replacement is approved by the Department. Modifications to the previously approved SWMP may result in a permit modification after opportunity for public comment. Such requests shall include the following:

- a) an analysis of why the BMP is ineffective or unfeasible (including cost-prohibitive);
- b) a measurable goal for the replacement BMP; and
- c) an analysis of why the replacement BMP is expected to achieve the intent of the BMP to be replaced.

PART I

Section A. Limitations and Monitoring Requirements

3) Modifications subtracting an ineffective or unfeasible BMP identified in the previously approved SWMP may be requested by written notification to the Department. The identified BMP shall not be subtracted from the previously approved SWMP unless the subtraction is approved by the Department. Modifications to the previously approved SWMP may result in a permit modification after opportunity for public comment. Such requests shall include the following:

- a) an analysis of why the BMP is ineffective or unfeasible (including cost prohibitive); and
- b) a determination of why the removal of the BMP will not change the permittee's ability to comply with the permit requirements.

b. Modifications Required by the Department

The Department may require the permittee to modify the SWMP as needed to:

- 1) address contributions from the permittee's MS4 discharge that impair receiving water quality;
- 2) include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements; and/or
- 3) include such other conditions deemed necessary by the Department to comply with the goals and requirements of the Federal Act or the NREPA, including the requirement to reduce the discharge of pollutants from the MS4 to the maximum extent practicable.

5. Request for Approval to Use Water Treatment Additives

This permit does not authorize the use of any water treatment additive without prior written approval from the Department. Such approval is authorized under separate correspondence. Water treatment additives include any materials that are added to water used at the facility, or to wastewater generated by the facility, to condition or treat the water. Permittees proposing to use water treatment additives, including a proposed increased concentration of a previously approved water treatment additive, shall submit a request for approval via the Department's MiWaters system. The MiWaters website is located at <https://miwaters.deq.state.mi.us>. Instructions for submitting such a request may be obtained at <http://www.michigan.gov/npdes> (near the bottom of that page, click on one or both of the links located under the Water Treatment Additives banner). Additional monitoring and reporting may be required as a condition of approval to use the water treatment additive.

A request for approval to use water treatment additives shall include all of the following usage and discharge information for each water treatment additive proposed to be used:

- a. The Safety Data Sheet (SDS);
- b. Ingredient information, including the name of each ingredient, CAS number for each ingredient, and fractional content by weight for each ingredient;
- c. The proposed water treatment additive discharge concentration with supporting calculations;
- d. The discharge frequency (i.e., number of hours per day and number of days per year);
- e. The outfall(s) and monitoring point(s) from which the water treatment additive is to be discharged;
- f. The type of removal treatment, if any, that the water treatment additive receives prior to discharge;
- g. The water treatment additive's function (i.e., microbiocide, flocculant, etc.);
- h. The SDS shall include a 48-hour LC50 or EC50 for a North American freshwater planktonic crustacean (either *Ceriodaphnia* sp., *Daphnia* sp., or *Simocephalus* sp.); The results shall be based on the whole water treatment additive, shall not be results based on a similar product, and shall not be estimated; and

PART I

Section A. Limitations and Monitoring Requirements

- i. The SDS shall include the results of a toxicity test for one (1) other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of R 323.1057(2) of the Water Quality Standards. The results shall be based on the whole water treatment additive, shall not be results based on a similar product, and shall not be estimated. Examples of tests that would meet this requirement include a 96-hour LC50 for rainbow trout, bluegill, or fathead minnow.

6. Tracer Dye Discharges

This permit does not authorize the discharge of tracer dyes without approval from the Department. Requests to discharge tracer dyes shall be submitted to the Department in accordance with Rule 1097 (R 323.1097 of the Michigan Administrative Code).

7. Storm Water Program Manager (Facility Contact)

The "Facility Contact" was specified in the application. The permittee may replace the facility contact at any time, and shall notify the Department in writing within 10 days after replacement (including the name, address and telephone number of the new facility contact).

- a. The facility contact shall be (or a duly authorized representative of this person):
 - for a corporation, a principal executive officer of at least the level of vice president; or a designated representative if the representative is responsible for the overall operation of the facility from which the discharge originates, as described in the permit application or other NPDES form,
 - for a partnership, a general partner,
 - for a sole proprietorship, the proprietor, or
 - for a municipal, state, or other public facility, either a principal executive officer, the mayor, village president, city or village manager or other duly authorized employee.
- b. A person is a duly authorized representative only if:
 - the authorization is made in writing to the Department by a person described in paragraph a. of this section; and
 - the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the facility (a duly authorized representative may thus be either a named individual or any individual occupying a named position).

Nothing in this section obviates the permittee from properly submitting reports and forms as required by law.

PART I

Section B. Program Assessment and Reporting

1. Progress Reports

Progress reports shall be submitted on or before April 1, 2023 and on or before April 1 every two (2) years following. The Department may approve alternate dates for progress report submittal if requested and adequately justified by the permittee. Each progress report shall contain the following information for the entire period that has elapsed since the last progress report submittal (i.e., the reporting cycle):

a. Compliance Assessment

The permittee shall describe the status of compliance with the approved SWMP identified in Part I.A.3 of this permit. The permittee shall assess and describe the appropriateness of the BMPs identified in the SWMP. The report shall describe the progress made towards achieving the identified measurable goals for each of the BMPs, and specific evaluation criteria as follows:

1) For the PEP, provide a summary of the evaluation of the overall effectiveness of the PEP, using the evaluation methods described in the PEP.

2) For the IDEP, provide a summary of the evaluation and determination of the overall effectiveness of the IDEP, using the evaluation methods described in the IDEP. For each illicit discharge that was not eliminated within 90 days of its discovery the permittee shall provide a written certification that the illicit discharge was eliminated or a description of how the illicit discharge will be eliminated.

3) If applicable, the permittee shall submit to the Department any new outfall or point of discharge information as required in Part I.A.2. of this permit.

4) For the TMDL Implementation Plan, if monitoring data is available in accordance with the monitoring plan, provide an assessment of progress made toward achieving the TMDL pollutant load reduction requirement.

b. Data and Results

The permittee shall provide a summary of all of the information collected and analyzed, including monitoring data, if any, during the reporting cycle.

c. Upcoming Activities

The permittee shall provide a summary of the BMPs to be implemented during the next reporting cycle.

d. Changes to BMPs and Measurable Goals

The permittee shall describe any changes to BMPs or measurable goals in the approved SWMP. In accordance with the permit, these changes will be reviewed to determine if a permit modification is necessary. The Department will notify the permittee if a permit modification is required.

e. Notice of Changes in Nested Jurisdiction Agreements

The permittee shall identify any nested jurisdictions that enter into or terminate permit agreements with the permittee which were not identified in the SWMP. The permittee may request to modify the permit coverage to add or remove a nested MS4 by submitting a request to the Department for approval in accordance with Part I.A.1.b. of this permit. Modifications to the permit coverage may result in a permit modification, after opportunity for public comment.

f. Required Signatures

All reports required by this permit, and other information requested by the Department, shall be signed by either a principal executive officer or ranking elected official, or by a duly authorized representative of that person in accordance with 40 CFR 122.22(b).

PART II

Part II may include terms and /or conditions not applicable to discharges covered under this permit.

Section A. Definitions

Acute toxic unit (TU_A) means 100/LC₅₀ where the LC₅₀ is determined from a whole effluent toxicity (WET) test which produces a result that is statistically or graphically estimated to be lethal to 50% of the test organisms.

Annual monitoring frequency refers to a calendar year beginning on January 1 and ending on December 31. When required by this permit, an analytical result, reading, value or observation shall be reported for that period if a discharge occurs during that period.

Authorized public agency means a state, local, or county agency that is designated pursuant to the provisions of Section 9110 of Part 91, Soil and Sedimentation Control, of the NREPA, to implement soil erosion and sedimentation control requirements with regard to construction activities undertaken by that agency.

Best management practices (BMPs) means structural devices or nonstructural practices that are designed to prevent pollutants from entering into storm water, to direct the flow of storm water, or to treat polluted storm water.

Bioaccumulative chemical of concern (BCC) means a chemical which, upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor of more than 1000 after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation. The human health bioaccumulation factor shall be derived according to R 323.1057(5). Chemicals with half-lives of less than 8 weeks in the water column, sediment, and biota are not BCCs. The minimum bioaccumulation concentration factor (BAF) information needed to define an organic chemical as a BCC is either a field-measured BAF or a BAF derived using the biota-sediment accumulation factor (BSAF) methodology. The minimum BAF information needed to define an inorganic chemical as a BCC, including an organometal, is either a field-measured BAF or a laboratory-measured bioconcentration factor (BCF). The BCCs to which these rules apply are identified in Table 5 of R 323.1057 of the Water Quality Standards.

Biosolids are the solid, semisolid, or liquid residues generated during the treatment of sanitary sewage or domestic sewage in a treatment works. This includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a derivative of the removed scum or solids.

Bulk biosolids means biosolids that are not sold or given away in a bag or other container for application to a lawn or home garden.

CAFO means concentrated animal feeding operation.

Certificate of Coverage (COC) is a document, issued by the Department, which authorizes a discharge under a general permit.

Chronic toxic unit (TU_C) means 100/MATC or 100/IC₂₅, where the maximum acceptable toxicant concentration (MATC) and IC₂₅ are expressed as a percent effluent in the test medium.

Class B biosolids refers to material that has met the Class B pathogen reduction requirements or equivalent treatment by a Process to Significantly Reduce Pathogens (PSRP) in accordance with the Part 24 Rules, Land Application of Biosolids, promulgated under Part 31 of the NREPA. Processes include aerobic digestion, composting, anaerobic digestion, lime stabilization and air drying.

Combined sewer system is a sewer system in which storm water runoff is combined with sanitary wastes.

Composite sample is a sample collected over time, either by continuous sampling or by mixing discrete samples. A composite sample represents the average wastewater characteristics during the compositing period. Various methods for compositing are available and are based on either time or flow-proportioning, the choice of which will depend on the permit requirements.

PART II

Section A. Definitions

Continuous monitoring refers to sampling/readings that occur at regular and consistent intervals throughout a 24-hour period and at a frequency sufficient to capture data that are representative of the discharge. The maximum acceptable interval between samples/readings shall be one (1) hour.

Daily concentration

FOR PARAMETERS OTHER THAN pH, DISSOLVED OXYGEN, TEMPERATURE, AND CONDUCTIVITY – Daily concentration is the sum of the concentrations of the individual samples of a parameter taken within a calendar day divided by the number of samples taken within that calendar day. The daily concentration will be used to determine compliance with any maximum and minimum daily concentration limitations. For guidance and examples showing how to perform calculations using results below quantification levels, see the document entitled “Reporting Results Below Quantification,” available at https://www.michigan.gov/documents/deq/wrd-npdes-results-quantification_620791_7.pdf.

FOR pH, DISSOLVED OXYGEN, TEMPERATURE, AND CONDUCTIVITY – The daily concentration used to determine compliance with maximum daily pH, temperature, and conductivity limitations is the highest pH, temperature, and conductivity readings obtained within a calendar day. The daily concentration used to determine compliance with minimum daily pH and dissolved oxygen limitations is the lowest pH and dissolved oxygen readings obtained within a calendar day.

Daily loading is the total discharge by weight of a parameter discharged during any calendar day. This value is calculated by multiplying the daily concentration by the total daily flow and by the appropriate conversion factor. The daily loading will be used to determine compliance with any maximum daily loading limitations. When required by the permit, report the maximum calculated daily loading for the month in the “MAXIMUM” column under “QUANTITY OR LOADING” on the DMRs.

Daily monitoring frequency refers to a 24-hour day. When required by this permit, an analytical result, reading, value or observation shall be reported for that period if a discharge occurs during that period.

Department means the Michigan Department of Environment, Great Lakes, and Energy.

Detection level means the lowest concentration or amount of the target analyte that can be determined to be different from zero by a single measurement at a stated level of probability.

Discharge means the addition of any waste, waste effluent, wastewater, pollutant, or any combination thereof to any surface water of the state.

EC₅₀ means a statistically or graphically estimated concentration that is expected to cause 1 or more specified effects in 50% of a group of organisms under specified conditions.

Fecal coliform bacteria monthly

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – Fecal coliform bacteria monthly is the geometric mean of all daily concentrations determined during a discharge event. Days on which no daily concentration is determined shall not be used to determine the calculated monthly value. The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the permit, report the calculated monthly value in the “AVERAGE” column under “QUALITY OR CONCENTRATION” on the DMR. If the period in which the discharge event occurred was partially in each of two months, the calculated monthly value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – Fecal coliform bacteria monthly is the geometric mean of all daily concentrations determined during a reporting month. Days on which no daily concentration is determined shall not be used to determine the calculated monthly value. The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the permit, report the calculated monthly value in the “AVERAGE” column under “QUALITY OR CONCENTRATION” on the DMR.

PART II

Section A. Definitions

Fecal coliform bacteria 7-day

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – Fecal coliform bacteria 7-day is the geometric mean of the daily concentrations determined during any 7 consecutive days of discharge during a discharge event. If the number of daily concentrations determined during the discharge event is less than 7 days, the number of actual daily concentrations determined shall be used for the calculation. Days on which no daily concentration is determined shall not be used to determine the value. The calculated 7-day value will be used to determine compliance with the maximum 7-day fecal coliform bacteria limitations. When required by the permit, report the maximum calculated 7-day geometric mean value for the month in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMRs. If the 7-day period was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – Fecal coliform bacteria 7-day is the geometric mean of the daily concentrations determined during any 7 consecutive days in a reporting month. If the number of daily concentrations determined is less than 7, the actual number of daily concentrations determined shall be used for the calculation. Days on which no daily concentration is determined shall not be used to determine the value. The calculated 7-day value will be used to determine compliance with the maximum 7-day fecal coliform bacteria limitations. When required by the permit, report the maximum calculated 7-day geometric mean for the month in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMRs. The first calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

Flow-proportioned composite sample is a composite sample in which either a) the volume of each portion of the composite is proportional to the effluent flow rate at the time that portion is obtained, or b) a constant sample volume is obtained at varying time intervals proportional to the effluent flow rate.

General permit means an NPDES permit authorizing a category of similar discharges.

Geometric mean is the average of the logarithmic values of a base 10 data set, converted back to a base 10 number.

Grab sample is a single sample taken at neither a set time nor flow.

IC₂₅ means the toxicant concentration that would cause a 25% reduction in a nonquantal biological measurement for the test population.

Illicit connection means a physical connection to a municipal separate storm sewer system that primarily conveys non-storm water discharges other than uncontaminated groundwater into the storm sewer; or a physical connection not authorized or permitted by the local authority, where a local authority requires authorization or a permit for physical connections.

Illicit discharge means any discharge to, or seepage into, a municipal separate storm sewer system that is not composed entirely of storm water or uncontaminated groundwater. Illicit discharges include non-storm water discharges through pipes or other physical connections; dumping of motor vehicle fluids, household hazardous wastes, domestic animal wastes, or litter; collection and intentional dumping of grass clippings or leaf litter; or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-storm water waste directly into a separate storm sewer.

Individual permit means a site-specific NPDES permit.

Inlet means a catch basin, roof drain, conduit, drain tile, retention pond riser pipe, sump pump, or other point where storm water or wastewater enters into a closed conveyance system prior to discharge off site or into waters of the state.

PART II

Section A. Definitions

Interference is a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: 1) inhibits or disrupts a POTW, its treatment processes or operations, or its sludge processes, use or disposal; and 2) therefore, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or, of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. [This definition does not apply to sample matrix interference].

Land application means spraying or spreading biosolids or a biosolids derivative onto the land surface, injecting below the land surface, or incorporating into the soil so that the biosolids or biosolids derivative can either condition the soil or fertilize crops or vegetation grown in the soil.

LC₅₀ means a statistically or graphically estimated concentration that is expected to be lethal to 50% of a group of organisms under specified conditions.

Maximum acceptable toxicant concentration (MATC) means the concentration obtained by calculating the geometric mean of the lower and upper chronic limits from a chronic test. A lower chronic limit is the highest tested concentration that did not cause the occurrence of a specific adverse effect. An upper chronic limit is the lowest tested concentration which did cause the occurrence of a specific adverse effect and above which all tested concentrations caused such an occurrence.

Maximum extent practicable means implementation of best management practices by a public body to comply with an approved storm water management program as required by a national permit for a municipal separate storm sewer system, in a manner that is environmentally beneficial, technically feasible, and within the public body's legal authority.

MBTU/hr means million British Thermal Units per hour.

MGD means million gallons per day.

Monthly concentration is the sum of the daily concentrations determined during a reporting period divided by the number of daily concentrations determined. The calculated monthly concentration will be used to determine compliance with any maximum monthly concentration limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the calculated monthly concentration in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMR.

For minimum percent removal requirements, the monthly influent concentration and the monthly effluent concentration shall be determined. The calculated monthly percent removal, which is equal to 100 times the quantity $[1 - \frac{\text{monthly effluent concentration}}{\text{monthly influent concentration}}]$, shall be reported in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.

Monthly loading is the sum of the daily loadings of a parameter divided by the number of daily loadings determined during a reporting period. The calculated monthly loading will be used to determine compliance with any maximum monthly loading limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the calculated monthly loading in the "AVERAGE" column under "QUANTITY OR LOADING" on the DMR.

Monthly monitoring frequency refers to a calendar month. When required by this permit, an analytical result, reading, value or observation shall be reported for that period if a discharge occurs during that period.

Municipal separate storm sewer means a conveyance or system of conveyances designed or used for collecting or conveying storm water which is not a combined sewer and which is not part of a POTW as defined in the Code of Federal Regulations at 40 CFR 122.2.

PART II

Section A. Definitions

Municipal separate storm sewer system (MS4) means all separate storm sewers that are owned or operated by the United States, a state, city, village, township, county, district, association, or other public body created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law, such as a sewer district, flood control district, or drainage district, or similar entity, or a designated or approved management agency under Section 208 of the Clean Water Act that discharges to the waters of the state. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

National Pretreatment Standards are the regulations promulgated by or to be promulgated by the Federal Environmental Protection Agency pursuant to Section 307(b) and (c) of the Clean Water Act. The standards establish nationwide limits for specific industrial categories for discharge to a POTW.

No observed adverse effect level (NOAEL) means the highest tested dose or concentration of a substance which results in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect.

Noncontact cooling water is water used for cooling which does not come into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

Nondomestic user is any discharger to a POTW that discharges wastes other than or in addition to water-carried wastes from toilet, kitchen, laundry, bathing or other facilities used for household purposes.

Nonstructural controls are practices or procedures implemented by employees at a facility to manage storm water or to prevent contamination of storm water.

NPDES means National Pollutant Discharge Elimination System.

Outfall is the location at which a point source discharge first enters a surface water of the state.

Part 91 agency means an agency that is designated by a county board of commissioners pursuant to the provisions of Section 9105 of Part 91 of the NREPA; an agency that is designated by a city, village, or township in accordance with the provisions of Section 9106 of Part 91 of the NREPA; or the Department for soil erosion and sedimentation control activities under Part 615, Supervisor of Wells; Part 631, Reclamation of Mining Lands; or Part 632, Nonferrous Metallic Mineral Mining, of the NREPA, pursuant to the provisions of Section 9115 of Part 91 of the NREPA.

Part 91 permit means a soil erosion and sedimentation control permit issued by a Part 91 agency pursuant to the provisions of Part 91 of the NREPA.

Partially treated sewage is any sewage, sewage and storm water, or sewage and wastewater, from domestic or industrial sources that is treated to a level less than that required by the permittee's NPDES permit, or that is not treated to national secondary treatment standards for wastewater, including discharges to surface waters from retention treatment facilities.

Point of discharge is the location of a point source discharge where storm water is discharged directly into a separate storm sewer system.

Point source discharge means a discharge from any discernible, confined, discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, or rolling stock. Changing the surface of land or establishing grading patterns on land will result in a point source discharge where the runoff from the site is ultimately discharged to waters of the state.

PART II

Section A. Definitions

Polluting material means any material, in solid or liquid form, identified as a polluting material under the Part 5 Rules, Spillage of Oil and Polluting Materials, promulgated under Part 31 of the NREPA (R 324.2001 through R 324.2009 of the Michigan Administrative Code).

POTW is a publicly owned treatment work.

Predevelopment is the last land use prior to the planned new development or redevelopment.

Pretreatment is reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties to a less harmful state prior to discharge into a public sewer. The reduction or alteration can be by physical, chemical, or biological processes, process changes, or by other means. Dilution is not considered pretreatment unless expressly authorized by an applicable National Pretreatment Standard for a particular industrial category.

Public (as used in the MS4 individual permit) means all persons who potentially could affect the authorized storm water discharges, including, but not limited to, residents, visitors to the area, public employees, businesses, industries, and construction contractors and developers.

Public body means the United States; the state of Michigan; a city, village, township, county, school district, public college or university, or single-purpose governmental agency; or any other body which is created by federal or state statute or law.

Qualified Personnel means an individual who meets qualifications acceptable to the Department and who is authorized by an Industrial Storm Water Certified Operator to collect the storm water sample.

Qualifying storm event means a storm event causing greater than 0.1 inch of rainfall and occurring at least 72 hours after the previous measurable storm event that also caused greater than 0.1 inch of rainfall. Upon request, the Department may approve an alternate definition meeting the condition of a qualifying storm event.

Quantification level means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

Quarterly monitoring frequency refers to a three month period, defined as January through March, April through June, July through September, and October through December. When required by this permit, an analytical result, reading, value or observation shall be reported for that period if a discharge occurs during that period.

Regional Administrator is the Region 5 Administrator, U.S. EPA, located at R-19J, 77 W. Jackson Blvd., Chicago, Illinois 60604.

Regulated area means the permittee's urbanized area, where urbanized area is defined as a place and its adjacent densely-populated territory that together have a minimum population of 50,000 people as defined by the United States Bureau of the Census and as determined by the latest available decennial census.

Secondary containment structure means a unit, other than the primary container, in which significant materials are packaged or held, which is required by state or federal law to prevent the escape of significant materials by gravity into sewers, drains, or otherwise directly or indirectly into any sewer system or to the surface waters or groundwaters of the state.

Separate storm sewer system means a system of drainage, including, but not limited to, roads, catch basins, curbs, gutters, parking lots, ditches, conduits, pumping devices, or man-made channels, which is not a combined sewer where storm water mixes with sanitary wastes, and is not part of a POTW.

PART II

Section A. Definitions

Significant industrial user is a nondomestic user that: 1) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or 2) discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the permittee as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's treatment plant operation or violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

Significant materials means any material which could degrade or impair water quality, including but not limited to: raw materials; fuels; solvents, detergents, and plastic pellets; finished materials such as metallic products; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (see 40 CFR 372.65); any chemical the facility is required to report pursuant to Section 313 of Emergency Planning and Community Right-to-Know Act (EPCRA); polluting materials as identified under the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code); Hazardous Wastes as defined in Part 111, Hazardous Waste Management, of the NREPA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

Significant spills and significant leaks means any release of a polluting material reportable under the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code).

Special-use area means storm water discharges for which the Department has determined that additional monitoring is needed from: secondary containment structures required by state or federal law; lands on Michigan's List of Sites of Environmental Contamination pursuant to Part 201, Environmental Remediation, of the NREPA; and/or areas with other activities that may contribute pollutants to the storm water.

Stoichiometric means the quantity of a reagent calculated to be necessary and sufficient for a given chemical reaction.

Storm water means storm water runoff, snow melt runoff, surface runoff and drainage, and non-storm water included under the conditions of this permit.

Storm water discharge point is the location where the point source discharge of storm water is directed to surface waters of the state or to a separate storm sewer. It includes the location of all point source discharges where storm water exits the facility, including *outfalls* which discharge directly to surface waters of the state, and *points of discharge* which discharge directly into separate storm sewer systems.

Structural controls are physical features or structures used at a facility to manage or treat storm water.

SWPPP means the Storm Water Pollution Prevention Plan prepared in accordance with this permit.

Tier I value means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier I toxicity database.

Tier II value means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier II toxicity database.

Total maximum daily loads (TMDLs) are required by the Clean Water Act for waterbodies that do not meet water quality standards. TMDLs represent the maximum daily load of a pollutant that a waterbody can assimilate and meet water quality standards, and an allocation of that load among point sources, nonpoint sources, and a margin of safety.

PART II

Section A. Definitions

Toxicity reduction evaluation (TRE) means a site-specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity.

Water Quality Standards means the Part 4 Water Quality Standards promulgated pursuant to Part 31 of the NREPA, being R 323.1041 through R 323.1117 of the Michigan Administrative Code.

Weekly monitoring frequency refers to a calendar week which begins on Sunday and ends on Saturday. When required by this permit, an analytical result, reading, value, or observation shall be reported for that period if a discharge occurs during that period. If the calendar week begins in one month and ends in the following month, the analytical result, reading, value, or observation shall be reported in the month in which monitoring was conducted.

WWSL is a wastewater stabilization lagoon.

WWSL discharge event is a discrete occurrence during which effluent is discharged to the surface water up to 10 days of a consecutive 14-day period.

3-portion composite sample is a sample consisting of three equal-volume grab samples collected at equal intervals over an 8-hour period.

7-day concentration

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – The 7-day concentration is the sum of the daily concentrations determined during any 7 consecutive days of discharge during a WWSL discharge event divided by the number of daily concentrations determined. If the number of daily concentrations determined during the WWSL discharge event is less than 7 days, the number of actual daily concentrations determined shall be used for the calculation. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations. When required by the permit, report the maximum calculated 7-day concentration for the WWSL discharge event in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMR. If the WWSL discharge event was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – The 7-day concentration is the sum of the daily concentrations determined during any 7 consecutive days in a reporting month divided by the number of daily concentrations determined. If the number of daily concentrations determined is less than 7, the actual number of daily concentrations determined shall be used for the calculation. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations in the reporting month. When required by the permit, report the maximum calculated 7-day concentration for the month in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMR. The first 7-day calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

PART II

Section A. Definitions

7-day loading

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – The 7-day loading is the sum of the daily loadings determined during any 7 consecutive days of discharge during a WWSL discharge event divided by the number of daily loadings determined. If the number of daily loadings determined during the WWSL discharge event is less than 7 days, the number of actual daily loadings determined shall be used for the calculation. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations. When required by the permit, report the maximum calculated 7-day loading for the WWSL discharge event in the “MAXIMUM” column under “QUANTITY OR LOADING” on the DMR. If the WWSL discharge event was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – The 7-day loading is the sum of the daily loadings determined during any 7 consecutive days in a reporting month divided by the number of daily loadings determined. If the number of daily loadings determined is less than 7, the actual number of daily loadings determined shall be used for the calculation. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations in the reporting month. When required by the permit, report the maximum calculated 7-day loading for the month in the “MAXIMUM” column under “QUANTITY OR LOADING” on the DMR. The first 7-day calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

24-hour composite sample is a flow-proportioned composite sample consisting of hourly or more frequent portions that are taken over a 24-hour period and in which the volume of each portion is proportional to the discharge flow rate at the time that portion is taken. A time-proportioned composite sample may be used upon approval from the Department if the permittee demonstrates it is representative of the discharge.

PART II

Section B. Monitoring Procedures

1. Representative Samples

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations promulgated pursuant to Section 304(h) of the Clean Water Act (40 CFR Part 136 – Guidelines Establishing Test Procedures for the Analysis of Pollutants), unless specified otherwise in this permit. **Test procedures used shall be sufficiently sensitive to determine compliance with applicable effluent limitations.** For lists of approved test methods, go to <https://www.epa.gov/cwa-methods>. Requests to use test procedures not promulgated under 40 CFR Part 136 for pollutant monitoring required by this permit shall be made in accordance with the Alternate Test Procedures regulations specified in 40 CFR 136.4. These requests shall be submitted to the Manager of the Permits Section, Water Resources Division, Michigan Department of Environment, Great Lakes, and Energy, P.O. Box 30458, Lansing, Michigan, 48909-7958. The permittee may use such procedures upon approval.

The permittee shall periodically calibrate and perform maintenance procedures on all analytical instrumentation at intervals to ensure accuracy of measurements. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Assurance/Quality Control program.

3. Instrumentation

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring instrumentation at intervals to ensure accuracy of measurements.

4. Recording Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information: 1) the exact place, date, and time of measurement or sampling; 2) the person(s) who performed the measurement or sample collection; 3) the dates the analyses were performed; 4) the person(s) who performed the analyses; 5) the analytical techniques or methods used; 6) the date of and person responsible for equipment calibration; and 7) the results of all required analyses.

5. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the Department.

PART II

Section C. Reporting Requirements

1. Start-Up Notification

The permittee shall notify the Department of start-up if one of the following conditions applies and in accordance with the applicable condition:

a. Non-CAFOs

1) **If this is an individual permit** and the permittee will not discharge during the first 60 days following the effective date of this permit, the permittee shall notify the Department via MiWaters within 14 days following the effective date of this permit, and then again 60 days prior to commencement of the discharge.

2) **If this is a general permit** and the permittee will not discharge during the first 60 days following the effective date of the Certificate of Coverage (COC) issued under this general permit, the permittee shall notify the Department via MiWaters within 14 days following the effective date of the COC, and then again 60 days prior to commencement of the discharge.

b. CAFOs

1) **If this is an individual permit** and the permittee will not populate with animals during the first 60 days following the effective date of this permit, the permittee shall notify the Department via MiWaters within 14 days following the effective date of this permit, and then again 60 days prior to populating with animals.

2) **If this is a general permit** and the permittee will not populate with animals during 60 days following the effective date of the Certificate of Coverage (COC) issued under this general permit, the permittee shall notify the Department via MiWaters within 14 days following the effective date of the COC, and then again 60 days prior to populating with animals.

2. Submittal Requirements for Self-Monitoring Data

Part 31 of the NREPA (specifically Section 324.3110(7)); and R 323.2155(2) of Part 21, Wastewater Discharge Permits, promulgated under Part 31 of the NREPA, allow the Department to specify the forms to be utilized for reporting the required self-monitoring data. Unless instructed on the effluent limitations page to conduct "Retained Self-Monitoring," the permittee shall submit self-monitoring data via the Department's MiWaters system.

The permittee shall utilize the information provided on the MiWaters website, located at <https://miwaters.deq.state.mi.us>, to access and submit the electronic forms. Both monthly summary and daily data shall be submitted to the Department no later than the 20th day of the month following each month of the authorized discharge period(s). The permittee may be allowed to submit the electronic forms after this date if the Department has granted an extension to the submittal date.

PART II

Section C. Reporting Requirements

3. Retained Self-Monitoring Requirements

If instructed on the effluent limits page (or otherwise authorized by the Department in accordance with the provisions of this permit) to conduct retained self-monitoring, the permittee shall maintain a year-to-date log of retained self-monitoring results and, upon request, provide such log for inspection to the staff of the Department. Retained self-monitoring results are public information and shall be promptly provided to the public upon request.

The permittee shall certify, in writing, to the Department, on or before January 10th (April 1st for animal feeding operation facilities) of each year, that: 1) all retained self-monitoring requirements have been complied with and a year-to-date log has been maintained; and 2) the application on which this permit is based still accurately describes the discharge. With this annual certification, the permittee shall submit a summary of the previous year's monitoring data. The summary shall include maximum values for samples to be reported as daily maximums and/or monthly maximums and minimum values for any daily minimum samples.

Retained self-monitoring may be denied to a permittee by notification in writing from the Department. In such cases, the permittee shall submit self-monitoring data in accordance with Part II.C.2., above. Such a denial may be rescinded by the Department upon written notification to the permittee. Reissuance or modification of this permit or reissuance or modification of an individual permittee's authorization to discharge shall not affect previous approval or denial for retained self-monitoring unless the Department provides notification in writing to the permittee.

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report. Such increased frequency shall also be indicated.

Monitoring required pursuant to Part 41 of the NREPA or Rule 35 of the Mobile Home Park Commission Act, 1987 PA 96, as amended, for assurance of proper facility operation, shall be submitted as required by the Department.

5. Compliance Dates Notification

Within 14 days of every compliance date specified in this permit, the permittee shall submit a written notification to the Department via MiWaters (<https://miwaters.deq.state.mi.us>) indicating whether or not the particular requirement was accomplished. If the requirement was not accomplished, the notification shall include an explanation of the failure to accomplish the requirement, actions taken or planned by the permittee to correct the situation, and an estimate of when the requirement will be accomplished. If a written report is required to be submitted by a specified date and the permittee accomplishes this, a separate written notification is not required.

PART II

Section C. Reporting Requirements

6. Noncompliance Notification

Compliance with all applicable requirements set forth in the Clean Water Act, Parts 31 and 41 of the NREPA, and related regulations and rules is required. All instances of noncompliance shall be reported as follows:

- a. **24-Hour Reporting**
Any noncompliance which may endanger health or the environment (including maximum and/or minimum daily concentration discharge limitation exceedances) shall be reported, verbally, within 24 hours from the time the permittee becomes aware of the noncompliance by calling the Department at the number indicated on the second page of this permit (or, if this is a general permit, on the COC). A written submission shall also be provided via MiWaters (<https://miwaters.deq.state.mi.us>) within five (5) days.
- b. **Other Reporting**
The permittee shall report, in writing via MiWaters (<https://miwaters.deq.state.mi.us>), all other instances of noncompliance not described in a. above at the time monitoring reports are submitted; or, in the case of retained self-monitoring, within five (5) days from the time the permittee becomes aware of the noncompliance.

Reporting shall include: 1) a description of the discharge and cause of noncompliance; 2) the period of noncompliance, including exact dates and times, or, if not yet corrected, the anticipated time the noncompliance is expected to continue; and 3) the steps taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

7. Spill Notification

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated on the second page of this permit (or, if this is a general permit, on the COC); or, if the notice is provided after regular working hours, by calling the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706.

Within 10 days of the release, the permittee shall submit to the Department via MiWaters (<https://miwaters.deq.state.mi.us>) a full written explanation as to the cause of the release, the discovery of the release, response measures (clean-up and/or recovery) taken, and preventive measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

PART II

Section C. Reporting Requirements

8. Upset Noncompliance Notification

If a process "upset" (defined as an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee) has occurred, the permittee who wishes to establish the affirmative defense of upset shall notify the Department by telephone within 24 hours of becoming aware of such conditions; and within five (5) days, provide in writing, the following information:

- a. that an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. that the permitted wastewater treatment facility was, at the time, being properly operated and maintained (note that an upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation); and
- c. that the permittee has specified and taken action on all responsible steps to minimize or correct any adverse impact in the environment resulting from noncompliance with this permit.

No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

In any enforcement proceedings, the permittee, seeking to establish the occurrence of an upset, has the burden of proof.

9. Bypass Prohibition and Notification

- a. Bypass Prohibition
Bypass is prohibited, and the Department may take an enforcement action, unless:
 - 1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass; and
 - 3) the permittee submitted notices as required under b. or c. below.
- b. Notice of Anticipated Bypass
If the permittee knows in advance of the need for a bypass, the permittee shall submit written notification to the Department before the anticipated date of the bypass. This notification shall be submitted at least 10 days before the date of the bypass; however, the Department will accept fewer than 10 days advance notice if adequate explanation for this is provided. The notification shall provide information about the anticipated bypass as required by the Department. The Department may approve an anticipated bypass, after considering its adverse effects, if it will meet the three (3) conditions specified in a. above.
- c. Notice of Unanticipated Bypass
As soon as possible but no later than 24 hours from the time the permittee becomes aware of the unanticipated bypass, the permittee shall notify the Department by calling the number indicated on the second page of this permit (or, if this is a general permit, on the COC); or, if notification is provided after regular working hours, call the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706.

PART II

Section C. Reporting Requirements

- d. **Written Report of Bypass**
A written submission shall be provided within five (5) working days of commencing any bypass to the Department, and at additional times as directed by the Department. The written submission shall contain a description of the bypass and its cause; the period of bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass; and other information as required by the Department.
- e. **Bypass Not Exceeding Limitations**
The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of a., b., c., and d., above. This provision does not relieve the permittee of any notification responsibilities under Part II.C.11. of this permit.
- f. **Definitions**
 - 1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - 2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

10. Bioaccumulative Chemicals of Concern (BCC)

Consistent with the requirements of R 323.1098 and R 323.1215 of the Michigan Administrative Code, the permittee is prohibited from undertaking any action that would result in a lowering of water quality from an increased loading of a BCC unless an increased use request and antidegradation demonstration have been submitted and approved by the Department.

PART II

Section C. Reporting Requirements

11. Notification of Changes in Discharge

The permittee shall notify the Department, via MiWaters (<https://miwaters.deq.state.mi.us>), as soon as possible but within no more than 10 days of knowing, or having reason to believe, that any activity or change has occurred or will occur which would result in the discharge of: 1) detectable levels of chemicals on the current Michigan Critical Materials Register, priority pollutants or hazardous substances set forth in 40 CFR 122.21, Appendix D, or the Pollutants of Initial Focus in the Great Lakes Water Quality Initiative specified in 40 CFR 132.6, Table 6, which were not acknowledged in the application or listed in the application at less than detectable levels; 2) detectable levels of any other chemical not listed in the application or listed at less than detection, for which the application specifically requested information; or 3) any chemical at levels greater than five times the average level reported in the complete application (see the first page of this permit, for the date(s) the complete application was submitted). Any other monitoring results obtained as a requirement of this permit shall be reported in accordance with the compliance schedules.

12. Changes in Facility Operations

Any anticipated action or activity, including but not limited to facility expansion, production increases, or process modification, which will result in new or increased loadings of pollutants to the receiving waters must be reported to the Department by a) submission of an increased use request (application) and all information required under R 323.1098 (Antidegradation) of the Water Quality Standards or b) by written notice if the following conditions are met: 1) the action or activity will not result in a change in the types of wastewater discharged or result in a greater quantity of wastewater than currently authorized by this permit; 2) the action or activity will not result in violations of the effluent limitations specified in this permit; 3) the action or activity is not prohibited by the requirements of Part II.C.10.; and 4) the action or activity will not require notification pursuant to Part II.C.11. Following such written notice, the permit or, if applicable, the facility's COC, may be modified according to applicable laws and rules to specify and limit any pollutant not previously limited.

13. Transfer of Ownership or Control

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the following requirements apply: Not less than 30 days prior to the actual transfer of ownership or control – for non-CAFOs, or within 30 days of the actual transfer of ownership or control – for CAFOs, the permittee shall submit to the Department via MiWaters (<https://miwaters.deq.state.mi.us>) a written agreement between the current permittee and the new permittee containing: 1) the legal name and address of the new owner; 2) a specific date for the effective transfer of permit responsibility, coverage and liability; and 3) a certification of the continuity of or any changes in operations, wastewater discharge, or wastewater treatment.

If the new permittee is proposing changes in operations, wastewater discharge, or wastewater treatment, the Department may propose modification of this permit in accordance with applicable laws and rules.

14. Operations and Maintenance Manual

For wastewater treatment facilities that serve the public (and are thus subject to Part 41 of the NREPA), Section 4104 of Part 41 and associated Rule 2957 of the Michigan Administrative Code allow the Department to require an Operations and Maintenance (O&M) Manual from the facility. An up-to-date copy of the O&M Manual shall be kept at the facility and shall be provided to the Department upon request. The Department may review the O&M Manual in whole or in part at its discretion and require modifications to it if portions are determined to be inadequate.

At a minimum, the O&M Manual shall include the following information: permit standards; descriptions and operation information for all equipment; staffing information; laboratory requirements; record keeping requirements; a maintenance plan for equipment; an emergency operating plan; safety program information; and copies of all pertinent forms, as-built plans, and manufacturer's manuals.

PART II

Section C. Reporting Requirements

Certification of the existence and accuracy of the O&M Manual shall be submitted to the Department at least sixty days prior to start-up of a new wastewater treatment facility. Recertification shall be submitted sixty days prior to start-up of any substantial improvements or modifications made to an existing wastewater treatment facility.

15. Signatory Requirements

All applications, reports, or information submitted to the Department in accordance with the conditions of this permit and that require a signature shall be signed and certified as described in the Clean Water Act and the NREPA.

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

The NREPA (Section 3115(2)) provides that a person who at the time of the violation knew or should have known that he or she discharged a substance contrary to this part, or contrary to a permit, COC, or order issued or rule promulgated under this part, or who intentionally makes a false statement, representation, or certification in an application for or form pertaining to a permit or COC or in a notice or report required by the terms and conditions of an issued permit or COC, or who intentionally renders inaccurate a monitoring device or record required to be maintained by the Department, is guilty of a felony and shall be fined not less than \$2,500.00 or more than \$25,000.00 for each violation. The court may impose an additional fine of not more than \$25,000.00 for each day during which the unlawful discharge occurred. If the conviction is for a violation committed after a first conviction of the person under this subsection, the court shall impose a fine of not less than \$25,000.00 per day and not more than \$50,000.00 per day of violation. Upon conviction, in addition to a fine, the court in its discretion may sentence the defendant to imprisonment for not more than 2 years or impose probation upon a person for a violation of this part. With the exception of the issuance of criminal complaints, issuance of warrants, and the holding of an arraignment, the circuit court for the county in which the violation occurred has exclusive jurisdiction. However, the person shall not be subject to the penalties of this subsection if the discharge of the effluent is in conformance with and obedient to a rule, order, permit, or COC of the Department. In addition to a fine, the attorney general may file a civil suit in a court of competent jurisdiction to recover the full value of the injuries done to the natural resources of the state and the costs of surveillance and enforcement by the state resulting from the violation.

16. Electronic Reporting

Upon notice by the Department that electronic reporting tools are available for specific reports or notifications, the permittee shall submit electronically via MiWaters (<https://miwaters.deq.state.mi.us>) all such reports or notifications as required by this permit, on forms provided by the Department.

PART II

Section D. Management Responsibilities

1. Duty to Comply

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit, more frequently than, or at a level in excess of, that authorized, shall constitute a violation of the permit.

It is the duty of the permittee to comply with all the terms and conditions of this permit. Any noncompliance with the Effluent Limitations, Special Conditions, or terms of this permit constitutes a violation of the NREPA and/or the Clean Water Act and constitutes grounds for enforcement action; for permit or COC termination, revocation and reissuance, or modification; or denial of an application for permit or COC renewal.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Operator Certification

The permittee shall have the waste treatment facilities under direct supervision of an operator certified at the appropriate level for the facility certification by the Department, as required by Sections 3110 and 4104 of the NREPA. Permittees authorized to discharge storm water shall have the storm water treatment and/or control measures under direct supervision of a storm water operator certified by the Department, as required by Section 3110 of the NREPA.

3. Facilities Operation

The permittee shall, at all times, properly operate and maintain all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures.

4. Power Failures

In order to maintain compliance with the effluent limitations of this permit and prevent unauthorized discharges, the permittee shall either:

- a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit; or
- b. upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, the permittee shall halt, reduce or otherwise control production and/or all discharge in order to maintain compliance with the effluent limitations and conditions of this permit.

5. Adverse Impact

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to the surface waters or groundwaters of the state resulting from noncompliance with any effluent limitation specified in this permit including, but not limited to, such accelerated or additional monitoring as necessary to determine the nature and impact of the discharge in noncompliance.

PART II

Section D. Management Responsibilities

6. Containment Facilities

The permittee shall provide facilities for containment of any accidental losses of polluting materials in accordance with the requirements of the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code). For a POTW, these facilities shall be approved under Part 41 of the NREPA.

7. Waste Treatment Residues

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit, or other pollutants or wastes) removed from or resulting from treatment or control of wastewaters, including those that are generated during treatment or left over after treatment or control has ceased, shall be disposed of in an environmentally compatible manner and according to applicable laws and rules. These laws may include, but are not limited to, the NREPA, Part 31 for protection of water resources, Part 55 for air pollution control, Part 111 for hazardous waste management, Part 115 for solid waste management, Part 121 for liquid industrial wastes, Part 301 for protection of inland lakes and streams, and Part 303 for wetlands protection. Such disposal shall not result in any unlawful pollution of the air, surface waters or groundwaters of the state.

8. Right of Entry

The permittee shall allow the Department, any agent appointed by the Department, or the Regional Administrator, upon the presentation of credentials and, for animal feeding operation facilities, following appropriate biosecurity protocols:

- a. to enter upon the permittee's premises where an effluent source is located or any place in which records are required to be kept under the terms and conditions of this permit; and
- b. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect process facilities, treatment works, monitoring methods and equipment regulated or required under this permit; and to sample any discharge of pollutants.

9. Availability of Reports

Except for data determined to be confidential under Section 308 of the Clean Water Act and Rule 2128 (R 323.2128 of the Michigan Administrative Code), all reports prepared in accordance with the terms of this permit and required to be submitted to the Department shall be available for public inspection via MiWaters (<https://miwaters.deq.state.mi.us>). As required by the Clean Water Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Clean Water Act and Sections 3112, 3115, 4106 and 4110 of the NREPA.

10. Duty to Provide Information

The permittee shall furnish to the Department via MiWaters (<https://miwaters.deq.state.mi.us>), within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or the facility's COC, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

PART II

Section E. Activities Not Authorized by This Permit

1. Discharge to the Groundwaters

This permit does not authorize any discharge to the groundwaters. Such discharge may be authorized by a groundwater discharge permit issued pursuant to the NREPA.

2. POTW Construction

This permit does not authorize or approve the construction or modification of any physical structures or facilities at a POTW. Approval for the construction or modification of any physical structures or facilities at a POTW shall be by permit issued under Part 41 of the NREPA.

3. Civil and Criminal Liability

Except as provided in permit conditions on "Bypass" (Part II.C.9. pursuant to 40 CFR 122.41(m)), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the permittee's control, such as accidents, equipment breakdowns, or labor disputes.

4. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee may be subject under Section 311 of the Clean Water Act except as are exempted by federal regulations.

5. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

6. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits, including any other Department of Environment, Great Lakes, and Energy permits, or approvals from other units of government as may be required by law.

From: Wild, Elaine (EGLE) <WildE2@michigan.gov>
Sent: Monday, April 12, 2021 3:51 PM
To: Mitch Dempsey
Cc: Ken Recker; Brian Jonckheere; Meyer, Cheri (EGLE); Alwin, Christe (EGLE); Buckmaster, Tarek (EGLE); Stiles, Jessica (EGLE)
Subject: [EXT] RE: ACTION REQUIRED: National Pollutant Discharge Elimination System NPDES Individual Permit No. MI0060140; Designated Name: Livingston Co MS4
Attachments: NPDES Permit - DRAFT_Livingston Co MS4.pdf; DRAFT Public Notice Document_Livingston Co MS4.pdf

"The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin."

Hello Mitch,

Thank you for reviewing the draft NPDES permit for the Livingston County Municipal Separate Storm Sewer System and for providing comments. Please see our comment responses below in **red** font. The updated Draft Permit is attached to this email for your review, along with the Draft Public Notice Document (please note that the only change made to the PN Document was the EGLE Permits Section contact personnel).

1. Page 1

- a. "Change effective date to October 1, 2021."
 – The effective date was not included in the draft permit since we apply the same process to all MS4 permits. Using the LCDC request to public notice for the month of May, we will address any comments received during June. If no comments are received or the comments are addressed quickly, the permit may be issued with an effective date of July 1st at the earliest.
- b. "Use "water quality requirements" instead of effluent limitations."
 – The permit language describes the narrative effluent limitations consistent with federal regulations.

2. Part I.A.2.a

- a. "Insert 'within the permittees stormwater jurisdiction' as noted"
 – The term "regulated area" was defined by the application submission, more specifically the urbanized area map, identification of outfalls and points of discharge owned/operated by the permittee, and list of receiving waters. The term "regulated" was added to the language to clarify. WRD staff understands the different authority to implement the permit by permittee type.
- b. "Modify language for (a written request) and replace with 'the required progress report' as displayed"
 – Discharges from outfalls and points of discharge owned/operated by the permittee that were not identified in the application are not authorized. Delaying submittal of the information required in this permit condition until the next progress report could result in long-term unauthorized discharges. The goal of this permit condition is to provide a process to authorize newly identified, constructed, or installed outfalls and

points of discharge to ensure appropriate permit coverage and limit the need for routine modifications (and the associated public notice) of the permit.

3. Part I.A.2.a.5. and Part I.A.2.a.6.

- a. "Insert 'within the permittees stormwater jurisdiction' as noted (2 places)"
 - The term "regulated area" was defined by the application submission, more specifically the urbanized area map, identification of outfalls and points of discharge owned/operated by the permittee, and list of receiving waters. The term "regulated" was added to the language to clarify. WRD staff understands the different authority to implement the permit by permittee type.

4. Part I.A.2.b.

- a. "Modify language for (a written request) and replace with 'the required progress report' as displayed"
 - Discharges from outfalls and points of discharge owned/operated by the permittee that were not identified in the application are not authorized. Delaying submittal of the information required in this permit condition until the next progress report could result in long-term unauthorized discharges. The goal of this permit condition is to provide a process to authorize newly identified, constructed, or installed outfalls and points of discharge to ensure appropriate permit coverage and limit the need for routine modifications (and the associated public notice) of the permit. The form in MiWaters is straightforward and has been used by other permittees to meet this requirement.

5. Part I.A.3. and Part I.A.3.e. (2 times) and Part I.A.3.f.

- a. "Add 'within the permittees stormwater jurisdiction' as noted (2 places)"
 - The term "regulated area" was defined by the application submission, more specifically the urbanized area map, identification of outfalls and points of discharge owned/operated by the permittee, and list of receiving waters. The term "regulated" was added to the language to clarify. WRD staff understands the different authority to implement the permit by permittee type.

6. Part I.A.3.f.1.

- a. "Change date to October 1, 2021"
 - This date has been changed.
- b. "Remove in 'in effect' language (2 places)"
 - This language is consistent with all the other permits and is necessary to ensure implementation of the program.
- c. "Modify (where the permittee is the project developer) replace with 'within the permittees jurisdiction'"
 - It's unclear how this language differs. We believe the original language clearly identifies the role of the permittee to the public.

7. Part I.A.3.f.1.b.

- a. "Add 'to the maximum extent practicable' after (1.3-inch rainfall event)"
 - MEP is identified at the beginning of the Post-Construction Program language and applies to the entire condition.

8. Part I.A.3.f.3.

- a. "Add 'by the owner/operator' after (maintained in perpetuity)"
 - This language has been updated.
- b. "Add 'within the their stormwater jurisdiction' after (maintenance of BMPs)"
 - The term "regulated area" was defined by the application submission, more specifically the urbanized area map, identification of outfalls and points of discharge

owned/operated by the permittee, and list of receiving waters. The term “regulated” was added to the language to clarify. WRD staff understands the different authority to implement the permit by permittee type.

If you have further questions or concerns, please feel free to reach out to myself or your compliance personnel. If you do not have any further comments regarding the draft permit, then please let me know which date works best to begin the public notice period and how the public notice will be posted.

Sincerely,

Elaine Wild

Environmental Engineer

Industrial and Storm Water Permits Unit

Permits Section | Water Resources Division

Michigan Department of Environment, Great Lakes, and Energy

517-599-6084 | wilde2@michigan.gov

[Follow Us](#) | [Michigan.gov/EGLE](https://michigan.gov/EGLE)

From: Mitch Dempsey <MDempsey@livgov.com>

Sent: Thursday, April 8, 2021 4:34 PM

To: Wild, Elaine (EGLE) <WildE2@michigan.gov>

Cc: Ken Recker <KRecker@livgov.com>; Brian Jonckheere <BJonckheere@livgov.com>; Meyer, Cheri (EGLE) <MeyerC2@michigan.gov>; Alwin, Christe (EGLE) <ALWINC@michigan.gov>; Buckmaster, Tarek (EGLE) <BUCKMASTERT@michigan.gov>; Stiles, Jessica (EGLE) <StilesJ1@michigan.gov>

Subject: RE: ACTION REQUIRED: National Pollutant Discharge Elimination System NPDES Individual Permit No. MI0060140; Designated Name: Livingston Co MS4

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

EGLE Staff,

Please see attached letter with comments regarding the Draft NPDES Individual Permit No. MI0060140 for Livingston County received on March 18, 2021. We are requesting a public notice period starting date of May 1, 2021 and an implementation date of October 1, 2021.

Please let me know if the attached document needs to be uploaded into the miwaters system. I did not see a portal to upload any documents for this permit.

Thanks,

Mitch Dempsey

Environmental Projects Manager

Livingston County Drain Commissioner's Office
2300 E. Grand River Avenue, Suite 105
Howell, MI 48843-7581
Phone: 517-546-0040 Ext: 6910
www.livgov.com/drain

From: Wild, Elaine (EGLE) <WildE2@michigan.gov>
Sent: Thursday, March 25, 2021 10:39 AM
To: Mitch Dempsey <MDempsey@livgov.com>
Cc: Ken Recker <KRecker@livgov.com>; Brian Jonckheere <BJonckheere@livgov.com>; Meyer, Cheri (EGLE) <MeyerC2@michigan.gov>; Alwin, Christe (EGLE) <ALWINC@michigan.gov>; Buckmaster, Tarek (EGLE) <BUCKMASTERT@michigan.gov>; Stiles, Jessica (EGLE) <StilesJ1@michigan.gov>
Subject: [EXT] RE: ACTION REQUIRED: National Pollutant Discharge Elimination System NPDES Individual Permit No. MI0060140; Designated Name: Livingston Co MS4

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Hello Mitch,

Submitting your comments for the draft MS4 permit by April 8, 2021 is fine.

Please let me know if you have any other questions or concerns.

Sincerely,

Elaine Wild

Environmental Engineer
Industrial and Storm Water Permits Unit
Permits Section | Water Resources Division
Michigan Department of Environment, Great Lakes, and Energy
517-599-6084 | wilde2@michigan.gov
[Follow Us](#) | Michigan.gov/EGLE

From: Mitch Dempsey <MDempsey@livgov.com>
Sent: Thursday, March 25, 2021 10:28 AM
To: Walsh, Riley (EGLE) <WalshR2@michigan.gov>
Cc: Ken Recker <KRecker@livgov.com>; Brian Jonckheere <BJonckheere@livgov.com>; Meyer, Cheri (EGLE) <MeyerC2@michigan.gov>; Alwin, Christe (EGLE) <ALWINC@michigan.gov>; Buckmaster, Tarek (EGLE) <BUCKMASTERT@michigan.gov>; Stiles, Jessica (EGLE) <StilesJ1@michigan.gov>; Wild, Elaine (EGLE) <WildE2@michigan.gov>

Subject: RE: ACTION REQUIRED: National Pollutant Discharge Elimination System NPDES Individual Permit No. MI0060140; Designated Name: Livingston Co MS4

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Riley Walsh,

Our office request an additional 7 days to submit comments prior to April 8, 2021 regarding the terms and conditions of the draft permit.

Please let me know if you can approve this request.

Thanks,

Mitch Dempsey

Environmental Projects Manager

Livingston County Drain Commissioner's Office

2300 E. Grand River Avenue, Suite 105

Howell, MI 48843-7581

Phone: 517-546-0040 Ext: 6910

www.livgov.com/drain

From: Walsh, Riley (EGLE) <WalshR2@michigan.gov>

Sent: Thursday, March 18, 2021 1:58 PM

To: Mitch Dempsey <MDempsey@livgov.com>

Cc: Ken Recker <KRecker@livgov.com>; Brian Jonckheere <BJonckheere@livgov.com>; Meyer, Cheri (EGLE) <MeyerC2@michigan.gov>; Alwin, Christe (EGLE) <ALWINC@michigan.gov>; Buckmaster, Tarek (EGLE) <BUCKMASTERT@michigan.gov>; Stiles, Jessica (EGLE) <StilesJ1@michigan.gov>; Wild, Elaine (EGLE) <WildE2@michigan.gov>

Subject: [EXT] ACTION REQUIRED: National Pollutant Discharge Elimination System NPDES Individual Permit No. MI0060140; Designated Name: Livingston Co MS4

"The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin."

Dear Mitch Dempsey:

Attached are your draft National Pollutant Discharge Elimination System (NPDES) permit and public notice document. Please review these documents carefully. Modifications made to the previously-issued permit are summarized in the second paragraph of the attached public notice. If you have any comments on the terms and conditions of the draft permit, including information that should be considered in the development of site-specific effluent limitations or comments on the standard permit language, please forward them prior to April 1, 2021, so that we can consider them before the draft permit is placed on public notice.

Please note, the conditions in Part I.A.3.f. Post-Construction Storm Water Runoff Program (page 8), are consistent with those of the Oakland County MS4 permit.

The conditions of this draft permit have been considered on a case-specific basis, and the monitoring program is considered the minimum that will ensure environmental protection. We require the permittee to report self-monitoring data via the Department of Environment, Great Lakes, and Energy (EGLE) MiWaters system (see Part II.C.2. of the draft permit).

The draft permit is ready for public notice when we agree upon a start date. Please respond with what upcoming date works best to begin the public notice period and let me know which of the alternatives is preferred: posting the public notice document at or near the entrance to the facility, posting the public notice document in a public building in the local municipality, or publishing the public notice document in a local newspaper. We will then send you the public notice package. Your posting will complement the notice that will be on our Internet site.

If you have any questions, please contact me.

Sincerely,

Riley Walsh


Environmental Quality Analyst

Industrial and Storm Water Permits Unit

Water Resources Division

Michigan Department of Environment, Great Lakes, and Energy

517-281-6666 | Walshr2@Michigan.gov

 A close up of a logo
Description
automatically
generated

RESOLUTION

NO: [Title]

LIVINGSTON COUNTY

DATE: March 23, 2021

Resolution Authorizing Livingston County to Participate in the FY 2020 Homeland Security Grant Program (HSGP), and to Submit FY-2020 HSGP Agreements – Emergency Management

WHEREAS, the FY-2020 HSGP is a primary funding mechanism operated by the United States Department of Homeland Security for building and sustaining national preparedness capabilities providing pass-through funds to states, regions and counties for preventing, deterring, planning, responding to and recovering from incidents of national significance to include terrorism related activities; and

WHEREAS, Livingston County's FY-2020 HSGP projected allocation by the Region One Homeland Security Planning Board's Executive Committee is \$97,186.66; and

WHEREAS, the breakdown of that funding is \$47,735.00 dollars of funding toward the Regional Planner position provided by the Region One Planning Board and \$49,451.66 dollars of funding is to be spent towards HSGP projects that comply with federal guidance; and,

WHEREAS, the State of Michigan administers the HSGP on behalf of the United States Department of Homeland Security; and,

WHEREAS, Ingham County is the Region One Homeland Security Planning Board's fiduciary for FY-2020 HSGP funds; and

WHEREAS, both the State of Michigan and Ingham County require various officials of participating counties to sign annual grant agreements and supporting documents and Livingston County maintains a Homeland Security Local Planning Team representing all public safety disciplines to determine the most worthwhile use of HSGP funding; and

THEREFORE BE IT RESOLVED the Chair of the Livingston County Board of Commissioners, the County Administrator, the County Emergency Management Coordinator / Emergency Manager, and other Livingston County officials as may be necessary, are authorized to sign the State of Michigan 2020 Homeland Security Grant Program Agreement, the FY 2020 HSGP Region One Board Fiduciary Agreement, Planner agreement, and other supporting documents necessary to participate in the FY-2020 Homeland Security Grant Program, upon review by Civil Counsel.

BE IT FURTHER RESOLVED the Livingston County Board authorizes allowable program expenditures as approved by the Livingston County Homeland Security Local Planning Team up to the \$49,451.66 of FY-2020 Homeland Security Grant award and up to the \$47,735 dollar allotment for the Regional Planner position supported by HSGP FY-2020 funding.

BE IT FURTHER RESOLVED the Livingston County Board of Commissioners hereby designates the Livingston County Emergency Manager / Emergency Management Coordinator as the primary applicant agent

BE IT FURTHER RESOLVED that the Chairman of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts/agreements, renewals and future amendments for monetary and contract language adjustments related to the above upon review and/or preparation of Civil Counsel.

#

#

#

MOVED:
SECONDED:
CARRIED:

FY 2020 HGSP ALLOCATION - (incl. USAR/HAZMAT)

<u>JURISDICTION</u>	<u>POPULATION (2010 CENSUS)</u>	<u>REGION ONE POPULATION %</u>	<u>LOCAL</u>		<u>SHSP</u>		<u>LETPP</u>		<u>TOTAL LOCAL ALLOCATION</u>
			<u>ALLOCATION</u>	<u>%</u>	<u>ALLOCATION</u>	<u>%</u>	<u>ALLOCATION</u>	<u>%</u>	
						50%			
Clinton	75,382	7.08%	\$ 20,597.53		\$ 5,581.18		\$ 15,016.35		\$ 20,597.53
Gratiot	42,476	3.99%	\$ 11,608.08		\$ 3,145.20		\$ 8,462.88		\$ 11,608.08
Ingham	166,598	15.64%	\$ 45,526.05		\$ 12,337.82		\$ 33,188.23		\$ 45,526.05
Jackson	160,248	15.05%	\$ 43,788.51		\$ 11,865.50		\$ 31,923.01		\$ 43,788.51
Hillsdale	46,688	4.38%	\$ 12,757.59		\$ 3,456.70		\$ 9,300.89		\$ 12,757.59
Lenawee	99,892	9.38%	\$ 27,296.69		\$ 7,396.52		\$ 19,900.17		\$ 27,296.69
Livingston	180,967	16.99%	\$ 49,451.66		\$ 13,400.11		\$ 36,051.55		\$ 49,451.66
Shiawasee	70,648	6.63%	\$ 19,305.42		\$ 5,231.04		\$ 14,074.38		\$ 19,305.42
Eaton	107,759	10.12%	\$ 29,447.29		\$ 7,979.30		\$ 21,467.99		\$ 29,447.29
Lansing	114,297	10.73%	\$ 31,234.12		\$ 8,463.49		\$ 22,770.63		\$ 31,234.12
TOTAL	1,064,955	100.00%	\$ 291,012.92		\$ 78,856.84		\$ 212,156.08		\$ 291,012.92

ALLOCATIONS

TOTAL ALLOCATION:	\$ 848,621.00	SHSP	LETPP	REMAINING
M & A (5%)	\$ 42,431.05	\$ 42,431.05	-	\$ 806,189.95
Regional Planners	\$ 381,879.00	\$ 381,879.00		\$ 424,310.95
Regional Project Maint.	\$ 133,296.00	\$ 133,296.00	-	\$ 291,014.95
Local Allocations	\$ 291,012.92	\$ 78,856.84	212,156.08	\$ 2.03
TOTALS	\$ 848,618.97	\$ 636,462.89	\$ 212,156.08	\$ 2.03

**REGIONAL FY 2018 HGSP
PROJECT MAINTENANCE**

Do 1 Thing	\$ 5,000.00	\$ 5,000.00	\$ -	
Accountability	-	-	-	
Federal Priorities	\$ 127,296.00	\$ 127,296.00	-	
Haz Mat	-	-	-	
Conferences/Workshop	-	-	-	
D1RMC Symposium	\$ 1,000.00	\$ 1,000.00	-	
Project 7	-	-	-	
Project 8	-	-	-	
TOTAL	\$ 133,296.00	\$ 133,296.00	\$ -	

FY2020 HSGP Projects

REGIONAL PROJECTS			ESTIMATED	EXPENDED	LETPA
80-0000	Regional Planners	Planning	\$381,879.00		
80-0000	M & A	Planning	\$42,433.08		
	Federal Priorities		\$127,296.00		
	D1RMC Symposium	Training	\$1,000.00		
	Projects TBD (Allocation less Expended/Estimated)		\$0.00		
		TOTAL	\$552,608.08	\$0.00	\$0.00
LANSING					
80-0000	Do 1 Thing	Planning			
	Projects TBD (Allocation less Expended/Estimated)		\$5,000.00		
		TOTAL	\$5,000.00	\$0.00	\$0.00
CLINTON					
80-0000					
	Projects TBD (Allocation less Expended/Estimated)		\$20,597.53		
		TOTAL	\$20,597.53	\$0.00	\$0.00
EATON					
80-0000					
	Projects TBD (Allocation less Expended/Estimated)		\$29,447.29		
		TOTAL	\$29,447.29	\$0.00	\$0.00
GRATIOT					
80-0000					
	Projects TBD (Allocation less Expended/Estimated)		\$11,608.08		
		TOTAL	\$11,608.08	\$0.00	\$0.00
HILLSDALE					
80-0000					
	Projects TBD (Allocation less Expended/Estimated)		\$12,757.59		
		TOTAL	\$12,757.59	\$0.00	\$0.00
INGHAM					
80-0000					

FY2020 HSGP Projects

	ESTIMATED	EXPENDED	LETPA
Projects TBD (Allocation less Expended/Estimated)	\$45,526.05		
TOTAL	\$45,526.05	\$0.00	\$0.00
JACKSON			
80-0000			
Projects TBD (Allocation less Expended/Estimated)	\$43,788.51		
TOTAL	\$43,788.51	\$0.00	\$0.00
LANSING			
80-0000			
Projects TBD (Allocation less Expended/Estimated)	\$31,234.12		
TOTAL	\$31,234.12	\$0.00	\$0.00
LENAWEE			
80-0000			
Projects TBD (Allocation less Expended/Estimated)	\$27,296.69		
TOTAL	\$27,296.69	\$0.00	\$0.00
LIVINGSTON			
80-0000			
Projects TBD (Allocation less Expended/Estimated)	\$49,451.66		
TOTAL	\$49,451.66	\$0.00	\$0.00
SHIAWASSEE			
80-0000			
Projects TBD (Allocation less Expended/Estimated)	\$19,305.42		
TOTAL	\$19,305.42	\$0.00	\$0.00
Total Projects	\$848,621.02	\$0.00	\$0.00
Left to expend	\$848,621.02		
LETPA Minimum Amount	\$212,155.26		



LIVINGSTON COUNTY, MICHIGAN
DEPARTMENT OF EMERGENCY MANAGEMENT

1911 Tooley Rd, Howell, MI 48855
Phone 517-540-7926 Fax 517-546-6788
Web Site: co.livingston.mi.us

Memorandum

To: Livingston County Board of Commissioners
From: Therese Cremonte, Emergency Management Coordinator
Date: 3/23/2021
Re: Resolution Authorizing the FY 2020 Homeland Security Grant

The United States Department of Homeland Security (DHS) annually issues a non-competitive, pass-through grant to states, regions, urban areas and counties to build and sustain preparedness, as well as recover from incidents of national significance called the Homeland Security Grant Program (HSGP). The Michigan State Police Emergency Management and Homeland Security Division (MSP EMHSD) administers the HSGP on behalf of the DHS.

EMHSD has divided the State of Michigan into eight emergency management regions. Each region works collaboratively on emergency management and homeland security issues. This includes the oversight of the HSGP funding provided to each Region. Livingston County is part of Region One. The Region One FY 2020 HSGP local allocation amount is based on jurisdictional population. Livingston County is the most populous emergency management program in Region One.

The allocation provided to Livingston County from the FY 2020 HSGP fund for local projects is \$49,451.66. The Local Planning Team (LPT) identifies and votes on local projects that meet the Federal spending guidelines to utilize the funding allocation. Region One has also allocated Livingston County up to \$47,735.00 to support the employment of a Region One Planner position that is hosted by Livingston County. The total FY-2020 HSGP funding award available for Livingston County is \$97,186.66.

Annual HSGP participation requires Livingston County to submit a signed grant agreement and accompanying documentation. All projects must be approved by the LPT, Region One Planning Board, and EMHSD as meeting the grant guideline requirements to receive and utilize HSGP FY 2020 funds for local projects that meet the federal guidelines. All approved projects for Livingston County will follow Livingston County purchasing guidelines.

If you have any questions regarding this matter please contact me.

RESOLUTION

NO: [Title]

LIVINGSTON COUNTY

DATE: Click or tap to enter a date.

Resolution Authorizing Submission of the FY2022 Compliance Plan and Grant Request to the Michigan Indigent Defense Commission (MIDC) Department of Licensing and Regulatory Affairs (LARA) - Public Defender

WHEREAS, Livingston County is seeking grant funding to assist with compliance of the Michigan Indigent Defense Act; and

WHEREAS, consistent with the Act, an indigent criminal defense system shall be in compliance with the minimum standards 1-5; and

WHEREAS, Livingston County must submit a proposed Compliance Plan to ensure it's compliance with standards 1-5, and participation in follow up and evaluation activities; and

WHEREAS, Livingston County is requesting \$1,392,855.73 in State of Michigan grant dollars in order to ensure it's compliance with standards 1-5, and participation in follow up and evaluation activities; and

WHEREAS, the anticipated local contribution from Livingston County for this grant period is \$927,689.27, which will be requested in the the 2022 Livingston County Operating Budget; and

WHEREAS, the total requested budget for this grant is \$2,320,545.00 which consists of the \$1,392,855.73 of State Grant Funds, \$927,689.27 of local contribution from Livingston County.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorize submission of the FY2022 Livingston County Compliance Plan and Grant Request to the Michigan Indigent Defense Commission (MIDC).

BE IT FURTHER RESOLVED that the Chairman of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts/agreements, renewals and future amendments for monetary and contract language adjustments related to the above upon review and/or preparation of Civil Counsel.

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MOVED:
SECONDED:
CARRIED:



1221 Byron, Suite 1, Howell, MI 48843
Phone (517) 540-8745

Memorandum

To: Livingston County Board of Commissioners

From: Karen Groenhout, Livingston County Public Defender

Date: April 5th, 2021

Re: Resolution Authorizing the Submission of the Livingston County Public Defender's FY2022 Compliance Plan and Grant Request to the Michigan Indigent Defense Commission (MIDC) Department of Licensing and Regulatory Affairs (LARA) to Request Funding to Comply with the Michigan Indigent Defense Act, Public Act 214 of 2018 – Public Defender

The Michigan Indigent Defense Commission has issued mandated minimum standards 1-5 for Indigent Defense Services in the State of Michigan. The State of Michigan, through the MIDC, will provide funding to assist with compliance of the mandated standards. The MIDC funding is contingent upon the terms of an approved Compliance Plan. The Public Defender's Office is seeking approval to submit the attached Compliance Plan and Grant Request to the MIDC for fiscal year 2022 which runs from October 1, 2021 until September 30, 2022.

Thank you in advance for your consideration. If you have any questions regarding this matter, please feel free to contact me directly.

Karen E. Groenhout
Livingston County Chief Public Defender
1221 Byron Rd.
Howell, MI 48843
(517) 540-8929

Submitter Information

Funding Unit(s)/System Name:

Livingston County

Submitted By (include name, title, email address and phone number):

Karen E. Groenhout, Chief Public Defender, kgroenhout@livgov.com, 517-540-8929

Please identify the following points of contact (include name, title, email address and phone number):

Authorizing official who will sign the contract:

Wes Nakagiri, Livingston County Board of Commissioners Chairman.

Mailing address for authorizing signatory:

304 E. Grand River, Suite 202, Howell, MI 48843

Primary point of contact for implementation and reporting:

Karen E. Groenhout, Chief Public Defender, kgroenhout@livgov.com, 517-540-8929

Financial point of contact:

Cindy Catanach, Chief Financial Officer, ccatanach@livgov.com, 517-540-8727

Please identify any other person in the system who should receive communications from MIDC about compliance planning and reporting, including name, title, and email address:

Nathan Burd, County Administrator, nburd@livgov.com, 517-540-8800

Delivery System Model

1. What type of indigent defense delivery system do you have currently?

- Public Defender Office (county employees)
- Managed Assigned Counsel System

Name of MAC Attorney Manager and P#: Karen E. Groenhout P58528

2. Are you proposing to change your type of indigent defense delivery system for next year? Please respond Yes or No.

No

3. If you are changing your indigent defense delivery system, what model do you plan to use next year?

N/A

Standard 1

Training of Attorneys

4. Number of attorneys who accept adult criminal defense assignments as of October 1, 2021

20

5. Number of attorneys with less than 2 years of Michigan criminal defense experience as of October 1, 2021

1

In the cost analysis, please include a list of names and P#s of all the attorneys who accept adult criminal defense case assignments in your system, including conflict counsel and counsel for youths charged as adults.

6. What is your plan for training attorneys with less than 2 years of Michigan criminal defense experience?

Any attorney with less than two years of Michigan criminal defense experience must take and complete the requisite trial skills training offered through the Criminal Defense Association of Michigan in addition to the 12 hours of approved continuing legal education.

7. Please describe your system's training plan, including how compliance will be tracked.

Each attorney is responsible for obtaining 12 hours of MIDC approved CLE's. The Public Defender's Office compiles and distributes training opportunities to all attorneys that work in our local public defender system. If the attorney would

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**Submit all documents via EGRaMS. Questions or concerns, please email your Regional Manager
The FY22 compliance plan and cost analysis is due no later than April 27, 2021**

like to take a course that has not been previously approved by the MIDC they must request approval of the conference through the Livingston County Public Defender's Office and/or the MIDC. Once an attorney completes any CLE's they are responsible for submitting proof to CDAM and to the Livingston County Public Defender's Office. The Public Defender's Office keeps track of all CLE's in order to ensure all attorneys are qualified under Standard 1 to continue to receive cases.

8. If an attorney does not complete the required training, how will the system address the noncompliance?

The attorney will not receive any Public Defender Cases until such time as the attorney has completed the required continuing legal education.

9. Any changes in your *funding needs* from the prior year for Standard 1? Please respond Yes or No.

No

If yes, please describe in the cost analysis.

N/A

Standard 2

Initial Client Interviews

10. The MIDC Standards now require the selection and assignments of attorneys to be done independently from the judiciary. How and when are defense attorneys notified of new assignments?

Managed Assigned Counsel attorneys receive an email from the Livingston County Public Defender's Office with the assignment and appropriate paperwork as soon as the individual qualifies for a public defender.

In-house attorneys receive an email and an alert in our case management system, Defender Data.

11. How are you verifying that in-custody attorney client interviews occur within three business days?

MAC attorney's submit a written report to the Livingston County Public Defender's Office at the end of each month indicating the date they were assigned to a case, if the client is in custody, the date first contact was made, and the method of contact.

In-house attorneys use a flag system and notes in our case management system, Defender Data, to track initial interviews and/or contacts with clients.

12. How are you verifying attorneys' introductory communications with out-of-custody clients?

MAC attorney's give a written report to our office at the end of each month

Page 5

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The FY22 compliance plan and cost analysis is due no later than April 27, 2021**

indicating the date they were assigned to a case and the date that they made contact with the client.

In-house attorneys use a flag system and notes in Defender Data to track initial interviews and/or contacts with clients.

13. How are you compensating attorneys for conducting initial interviews? Please include whether you intend to compensate attorneys differently for in-custody and out-of-custody interviews.

MAC attorneys are paid per their contract with Livingston County with all services included in the contract. We contract out in lots of 50 cases. Each case is valued at 10 hours and paid at \$120.00 per hour.

In-house attorneys are paid a salary for all legal services.

14. Any changes in your *funding needs* from the prior year for Initial Interviews? Please respond Yes or No.

No

If yes, please describe in the cost analysis.

Confidential Meeting Spaces

15. How many confidential meeting spaces are in the jail?

1

16. What is the TOTAL amount of confidential meeting spaces in the courthouse?

12

17. How many confidential meeting spaces in the courthouse are for *in-custody clients*? Please describe these spaces.

2

At the time of the submission of this compliance plan, Livingston County is in the process of remodeling the courthouse to include two sound proof rooms in the inmate holding cell area of the courthouse to ensure attorney client privilege.

18. How many confidential meeting spaces in the courthouse are for *out-of-custody clients*? Please describe these spaces.

There are 10 conference rooms that can be used on a first come first served basis at the courthouse.

19. Any changes from the prior year's *compliance plan* for your confidential meeting spaces? Please respond Yes or No.

Yes

If Yes, please describe the proposed changes.

It was anticipated that Livingston County would soundproof a room outside of each of its three Courthouse inmate holding cells. However, it only is addressing two of the three this fiscal year. Therefore, Livingston County will need to soundproof a room outside of the third holding cell in FY2022.

20. Any changes from the prior year's *funding needs* for confidential meeting spaces? Please respond Yes or No.

Yes. We will need funding for confidential meeting space outside of the third holding cell at the courthouse.

If yes, please describe in the cost analysis.

Please see attached estimate

Standard 3

Experts and Investigators

21. The MIDC Standards now require approval of expert and investigative assistance to be independent from the judiciary. Describe the process of how attorneys request expert witness assistance for their indigent clients:

Attorneys send the Chief Public Defender/MAC coordinator a request for expert witness assistance. The Chief Public Defender/MAC coordinator then determines if the request is appropriate and responds to the attorney.

22. Any change from the prior year's process to request expert witness assistance?
Please respond Yes or No.

No

If yes, please explain the change:

N/A

23. Describe the process of how attorneys request investigative assistance:

An attorney contacts the Livingston County Public Defender Office and requests investigative services. At that point the Livingston County in-house investigator is

assigned to the case. If the Livingston County in-house investigator is unavailable because of a conflict or is otherwise unable to perform the investigation, the attorney will be notified and can seek an outside investigator.

The Livingston County investigator is automatically assigned in all in-house cases.

24. Any change from the prior year's process to request investigative assistance?
Please respond Yes or No.

No

If yes, please explain the change:

N/A

25. How are attorney requests (whether approved or denied) for experts and investigators tracked by the system? Please include approved and denied requests.

Requests from MAC attorneys are submitted and tracked via email. All in-house cases are tracked via a flag system in our case management system, Defender Data.

26. Any change from the prior year's *funding needs* for Standard 3? Please respond Yes or No.

No

If yes, please describe in the cost analysis.

N/A

Standard 4

Counsel at First Appearance and Other Critical Stages

27. The MIDC Standards now require the selection and assignments of attorneys to be done independently from the judiciary. How are you providing counsel at first appearance and all arraignments? Please provide detail for circuit and district court coverage.

Livingston County Public Defender's Office has an attorney that is assigned full time to cover all arraignments and other critical stages. The counsel at first appearance attorney "CAFA" attorney is at all scheduled arraignments and is on call for any walk-in or in custody defendants. This is consistent in both circuit and district court.

28. How are you providing counsel at all other critical stages? Please provide details:

Our CAFA attorney attends scheduled and on-call critical stage hearings daily. This service is provided to defendants in both district and circuit court.

29. How are you compensating attorneys for Standard 4? Please provide detail for compensating counsel at first appearance and compensating counsel at all other critical stages.

Our CAFA attorney is employed through the Livingston County Public Defender's Office and receives a salary for compensation.

30. Do you have a prison in your County? How is counsel provided to people charged with crimes while incarcerated in the prison? Do you seek reimbursement for the cost of counsel from the Michigan Department of Corrections?

Yes, Woodland Correctional Facility is in Livingston County. The assignment of an attorney to individuals at the correctional facility is the same with any other

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The FY22 compliance plan and cost analysis is due no later than April 27, 2021**

qualified individual. The attorney is appointed to represent the client who is incarcerated in Woodland Correctional Facility. If the attorney is a MAC attorney, they will receive an email with the appropriate information. If the attorney is in-house, they will receive an email and an alert in Defender Data. We anticipate reimbursement for the cost of counsel from the MDOC if appropriate.

31. Are there or will there be any misdemeanor cases where your court accepts pleas without the defendant appearing before a magistrate or a judge? For example, pleas by mail, over the counter pleas, pleas online, etc. Please answer Yes or No.

No

32. Describe how counsel is offered to a defendant making a plea who does not appear before a magistrate or judge:

N/A

33. Any change from the prior year's *attorney compensation* for Standard 4? Please respond Yes or No.

No

If yes, please describe in the cost analysis.

34. Any change from the prior year's *funding needs* for Standard 4? Please respond Yes or No.

NO

If yes, please describe in the cost analysis.

N/A

Standard 5

The MIDC Standards now require independence from the court including the selection and assignment of attorneys, attorney compensation and approval of requests for expert and investigative assistance.

How will attorneys be selected to provide adult indigent criminal defense services in your indigent defense system? Please describe any eligibility requirements needed by the attorneys as well as the selection process:

Livingston County officially distributes proposal documents from the Purchasing Office and online at <https://www.livgov.com/fiscal-services/Procurement/Pages/bid-q-and-a-comment.aspx> or the BidNet via Michigan Inter-governmental Trade Network (MITN) <https://www.bidnetdirect.com/mitn> sites. Livingston County uses the MITN website for vendor registration, proposal and tabulation posting, award information and other processes. Final proposals are posted on the MITN website after they are awarded.

In order to assure that the indigent accused receive the effective assistance of counsel to which they are constitutionally entitled, attorneys providing felony defense services are required to meet the following minimum professional qualifications in order to represent felony defendants.

- a) Satisfy the minimum requirements for practicing law in Michigan as determined by the Michigan Supreme Court and the State Bar of Michigan.
- b) Comply with the requirements of MIDC Standards.
- c) Have practiced criminal law for at least 5 years with preference given to criminal indigent defense work.
- d) Have an office in Livingston County.
- e) Carry professional liability insurance.

35. Will the selection process be facilitated by a committee of stakeholders? If so, please list the titles of participating officials, agencies, or departments as appropriate.

The selection process is through the third party application process and by the Chief Public Defender.

36. Who will approve an attorney's eligibility to receive assigned cases?

The Chief Public Defender

37. Who will assign work to the attorneys in the indigent defense system? Please include the person's name, title, employer and/or supervisor.

Amanda Joseph, Administrative Specialist, Livingston County MI under the direct supervision of Karen E. Groenhout, Chief Public Defender.

38. Who will review and approve attorney billing?

Karen E. Groenhout, Chief Public Defender

39. Who will approve requests for expert and investigative assistance?

Karen E. Groenhout, Chief Public Defender

40. Who will review and approve expert and investigative billing?

Karen E. Groenhout, Chief Public Defender

41. What is your appeal process to resolve any potential conflicts between the assigned attorney and the person(s) assigning casework?

We have a reciprocal appeal process with Washtenaw County.

42. What is your appeal process to resolve any potential conflicts between the assigned attorney and the person(s) or reviewing/approving billing?

We have a reciprocal appeal process with Washtenaw County.

43. What is your appeal process to resolve denied or partially denied requests for expert or investigative assistance?

We have a reciprocal appeal process with Washtenaw County.

Personnel

In the cost analysis, please provide detail about all personnel employed by the funding unit. This should include DIRECT SERVICE PROVIDERS (Public Defender Chief, Deputy Chief, Assistant Defenders, and staff of the defender office employed by the system) as well as ANCILLARY STAFF (court clerks, sheriff employees, etc.)

Ancillary Staff

44. In limited circumstances, the MIDC can fund some other system staffing needs if required to implement one of the MIDC standards. These requests are evaluated each year.
45. Do you have any ancillary staff? Please answer Yes or No.
- No

If yes, what standard(s) or reporting needs do they meet?

N/A

If yes, how are you tracking time for ancillary staff?

N/A

46. For existing ancillary staff, are there any personnel positions/hours eliminated, reduced or increased from the prior year? Please answer Yes or No.

N/A

If yes, please explain in the cost analysis.

47. Are any additional ancillary staff positions or hours requested from the prior year? Please answer Yes or No.

No

If yes, please explain in the cost analysis.

Reimbursement Costs for Creating Plan

An indigent criminal defense system may submit to the MIDC an estimate of the cost of developing a plan and cost analysis for implementing the plan under MCL 780.993(2). Please attach documentation of planning time for FY22, if seeking reimbursement under this provision.

Are you requesting reimbursement of planning costs? ☐ Yes | ☒ No

If yes, do you have receipts showing that non-funding unit employees have been paid?

☐ Yes | ☐ No

What is the amount you are seeking in reimbursement? \$_____N/A_____

March 30, 2021

Livingston County Facility Services
420 S. Highlander Way
Howell, Mi. 48843
Attn: Mr. Chris Folts
RE: Holding Cell sound damping (3rd Cell)

Proposal to sound damping measures at the holding cell attorney interview rooms and prisoner interview area. Insulation at walls not included

A.	New sound laminated glass installed in existing window frames. Existing glass to remain new laminated glass to be install adjacent to existing (Rochester Hills Contract Glazing)	1,900.00
B.	New Sound Insulated HM doors, with new door perimeter sound gaskets and automatic sound drop bars at sill (Rayhaven Manufacturing)	2,600.00
C.	Remove existing doors (3 doors each) and dispose of (John Stewart Associates)	1000.00
D.	Install new doors and new hardware, including sound seals	1,880.00
E.	Cut holes into existing ceiling & repatch ceiling	800.00
F.	New Ceiling Insulation	1,450.00
G.	Install ceiling trap at ceiling register (Selective Heating)	600.00
H.	Paint doors and new window stops	800.00
H.	Clean-up & Window Cleaning	300.00
J.	Dumpster	200.00
Sub Total		11,530.00
CM Profit & Overhead @ 10%		1150.00
Total Cost		12,680.00

Indigent Defense System Cost Analysis

Grant Year October 1, 2020 - September 2021

Funding Unit Name(s) Livingston County

DATE SUBMITTED:

Personnel	Position	Calculation and rate	hours	Total	State Grant	Local Share	Other Funding Sources	Total
Category Summary				880,877.00	0.00	0.00	0.00	880,877.00

Fringe Benefits	Percentage	Amount	State Grant	Local Share	Sources	Total
FICA	7.65%	65,109.00				65,109.00
Pension	18.12%	170,473.00				170,473.00
Health	14.24%	161,952.00				161,952.00
Workers Comp	0.22%	2,388.00				2,388.00
Life	0.80%	2,043.00				2,043.00
LTD	0.50%	2,349.00				2,349.00
STD	0.47%	6,547.00				6,547.00
Category Summary	42.00%	410,861.00	0.00	0.00	0.00	410,861.00

Fringe Benefits are a part of the employment package offered by Livingston County to its employees.

Contractual

Contracts for Attorneys	Services Provided	Calculation and rate	hours	Total	State Grant	Local Share	Other Funding Sources	Total
12 Contracts of 50 cases each	Representation for new felony cases and probation violations.	\$110-\$120 p/hr		720,000.00				720,000.00
	Conflict misdemeanor work	\$100 per hour x 200 hours		20,000.00				20,000.00
Category Summary				740,000.00	0.00	0.00	0.00	740,000.00

12 contracts, each contract is valued at \$60,000.00. The contract anticipates approximately 10 hours per case at \$120.00 per hour. In the contract, the contract is for up to, but not more than 50 felonies new and/or probation violation cases. The remainder of all felony cases and probation violations are handled by the Public Defender's Office. Misdemeanor cases are handled by the Public Defender's Office with the exception of conflict cases. The misdemeanor conflict cases are paid out at \$100.00 per hour.

Contracts for Experts and Investigators	Services Provided	Calculation and rate	hours	Total	State Grant	Local Share	Other Funding Sources	Total
Experts	All potential experts and	Per MIDC Standards		35,000.00				35,000.00

Investigator- contract	investigators	Per MIDC Standards	1,500.00				1,500.00
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Category Summary			36,500.00	0.00	0.00	0.00	36,500.00
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In addition to our typical cases in need of expert witnesses, Livingston County has several murder cases that are currently pending. Each case will need multiple experts. However, the need for contracted investigative services should be reduced because the Public Defender's Office has hired an investigator for use in all indigent defense cases.

Contracts for Construction Projects	Services Provided	Calculation	Total	State Grant	Local Share	Other Funding Sources	Total
Soundproofing of room at the courthouse for confidential meeting space.			12,680.00				12,680.00

Category Summary			12,680.00	0.00	0.00	0.00	12,680.00
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There are no constuction projects scheduled for FY2022.

Contracts Other	Services Provided	Calulation	Total	State Grant	Local Share	Other Funding Sources	Total
Interpreters	TBD		5,000.00				5,000.00

Category Summary			5,000.00	0.00	0.00	0.00	5,000.00
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Foreign Language and Sign Language Interpreter Services.

Equipment	Vendor	Calculation	Total	State Grant	Local Share	Other Funding Sources	Total
Webcams		12 x 50	600.00				600.00
Cell Phone		120	120.00				120.00
Laptop and docking station		3,200	3,200.00				3,200.00
Category Summary			3,920.00	0.00	0.00	0.00	3,920.00

The monitors on desks do not have webcams and they are needed for Zoom meetings. The Laptop, docking station and cell phone are for the proposed Social Worker position.

Training/Travel	Vendor	Calculation	Total	State Grant	Local Share	Other Funding Sources	Total
Continueing Legal Education	Varies	23 attorneys x 12 hours x \$	8,280.00				8,280.00

Travel	23 attorneys x \$500	11,500.00				11,500.00
Mileage	50,000 x .575 cents mile	28,750.00				28,750.00
New attorney skills training	1 x 1400	1,400.00				1,400.00
SADO Membership	23 x \$50	1,150.00				1,150.00
NAPD	23 x \$30	690.00				690.00

Category Summary		51,770.00	0.00	0.00	0.00	51,770.00
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There is an increase in the CLE training and travel category. This is because we have one additional attorney. The Travel expense category was increased as the previous budget did not account for the travel of contracted attorneys.

Supplies/Services	Vendor	Calculation	Total	State Grant	Local Share	Other Funding Sources	Total
Rent contract Oct - Dec 2021		3 x 4,650	13,950.00				13,950.00
Rent contract Jan - Sept 2022		9 x 4,750	42,750.00				42,750.00
Office Supplies		12 x 800	9,600.00				9,600.00
Transcripts			5,000.00				5,000.00
IP Phone and Service		10 x 726	7,260.00				7,260.00
Utilities		12 x 541	6,500.00				6,500.00
Facilities Services		12 x 666	8,000.00				8,000.00
Postage		12 x 300	3,600.00				3,600.00
Dues		7 x 360	2,520.00				2,520.00
Online Computer Subscriptions		\$30,000	30,000.00				30,000.00
IT Computer Services		12 x 2,551	30,618.00				30,618.00
Cell Phones Service	TBD	10 x 42.00 per month	5,040.00				5,040.00
Copier Services	TBD	\$750 per quarter	3,000.00				3,000.00
Cost Allocation		\$924.92 per month	11,099.00				11,099.00
Category Summary			178,937.00	0.00	0.00	0.00	178,937.00

Budget Total			2,320,545.00	0.00	0.00	0.00	2,320,545.00
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1,392,855.73 927,689.27

RESOLUTION

NO: [Title]

LIVINGSTON COUNTY

DATE: Click or tap to enter a date.

Resolution Authorizing the Sheriff's Office and the County of Livingston to Apply for the Department of Homeland Security FY2021 Operation Stonegarden Grant - Sheriff

WHEREAS, the Livingston County Sheriff's Office wishes to apply for FY2021 Operation Stonegarden Grant through the Department of Homeland Security; and

WHEREAS, the County of Livingston will request \$500,000 in no cost share or required matching reimbursement funds from the Department of Homeland Security through the Operation Stonegarden Grant for the purchase of a Lenco armored rescue vehicle which requires standard vehicle upkeep.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the submission of an application to the Department of Homeland Security for the FY 2021 Operation Stonegarden Grant wherein Livingston County will receive a maximum of \$500,000 in Federal reimbursement funds to be used between October 1, 2021 and September 30, 2024.

BE IT FURTHER RESOLVED that the Chairman of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts/agreements, renewals and future amendments for monetary and contract language adjustments related to the above upon review and/or preparation of Civil Counsel.

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MOVED:
SECONDED:
CARRIED:

**The Department of Homeland Security (DHS)
Notice of Funding Opportunity (NOFO)
Fiscal Year 2021 Homeland Security Grant Program**

NOTE: If you are going to apply for this funding opportunity and have not obtained an Employer Identification Number (EIN), a Data Universal Numbering System (DUNS) number, are not currently registered in the System for Award Management (SAM), or your SAM registration is not active, please take immediate action to obtain an EIN and DUNS Number, if applicable, and then register immediately in SAM or, if applicable, renew your SAM registration. It may take four weeks or more after you submit your SAM registration before your registration is active in SAM, then an additional 24 hours for Grants.gov to recognize your information. Information on obtaining a DUNS number and registering in SAM is available from Grants.gov at:

<http://www.grants.gov/web/grants/register.html>. Detailed information regarding DUNS, EIN, and SAM is also provided in Section D of this NOFO under the subsection titled “How to Register to Apply.” Detailed information regarding the time required for each registration is also provided in Section D of this NOFO under the subsection titled “Other Key Dates.”

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A. Program Description**1. Issued By**

U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)/Grant Programs Directorate (GPD)

2. Assistance Listings Number

97.067

3. Assistance Listings Title

Homeland Security Grant Program

4. Funding Opportunity Title

Fiscal Year 2021 Homeland Security Grant Program (HSGP)

- State Homeland Security Program (SHSP)
- Urban Area Security Initiative (UASI)
- Operation Stonegarden (OPSG)

5. Funding Opportunity Number

DHS-21-[GPD]-[067]-[00]-[02]

6. Authorizing Authority for Program

Section 2002 of the *Homeland Security Act of 2002* (Pub. L. No. 107-296, as amended) (6 U.S.C. § 603)

7. Appropriation Authority for Program

Department of Homeland Security Appropriations Act, 2021 (Pub. L. No. 116-260)

8. Announcement Type

Initial

9. Program Category

Preparedness: Community Security

10. Program Overview, Objectives, and Priorities**a. Overview**

The Fiscal Year (FY) 2021 Homeland Security Grant Program (HSGP) is one of three grant programs that constitute the DHS/FEMA focus on enhancing the ability of state, local, tribal, and territorial governments, as well as nonprofits, to prevent, protect against, respond to, and recover from terrorist attacks. These grant programs are part of a comprehensive set of measures authorized by Congress and implemented by DHS to help strengthen the Nation's communities against potential terrorist attacks. Among the five basic homeland security missions noted in the DHS Strategic Plan, HSGP supports the goal to Strengthen National Preparedness and Resilience.

In FY 2021, there are three components of HSGP:

- 1) ***State Homeland Security Program (SHSP)***: SHSP assists state, local, tribal, and territorial efforts to build, sustain, and deliver the capabilities necessary to prevent, prepare for, protect against, and respond to acts of terrorism.
- 2) ***Urban Area Security Initiative (UASI)***: UASI assists high-threat, high-density Urban Area efforts to build, sustain, and deliver the capabilities necessary to prevent, prepare for, protect against, and respond to acts of terrorism.
- 3) ***Operation Stonegarden (OPSG)***: OPSG supports enhanced cooperation and coordination among Customs and Border Protection (CBP), United States Border Patrol (USBP), and federal, state, local, tribal, and territorial law enforcement agencies to improve overall border security. OPSG provides funding to support joint efforts to secure the United States' borders along routes of ingress/egress to and from international borders, to include travel corridors in states bordering Mexico and Canada, as well as states and territories with international water borders. State, local, tribal, and territorial (SLTT) law enforcement agencies utilize their inherent law enforcement authorities to support the border security mission and do not receive any additional authority as a result of participation in OPSG.

The [2018-2022 FEMA Strategic Plan](#) creates a shared vision for reducing the risks posed by terrorism and sets an ambitious, yet achievable, path forward to unify and further professionalize emergency management across the country. HSGP supports the goals of Building a Culture of Preparedness and Ready the Nation for Catastrophic Disasters. We invite our stakeholders and partners to also adopt these priorities and join us in building a more prepared and resilient Nation, as preparedness is a shared responsibility and funding should support priorities that are most impactful and demonstrate the greatest return on investment.

For FY 2021, DHS is focused on the criticality of information sharing and collaboration to building a national culture of preparedness and protecting against terrorism and other emerging threats to our national security. DHS and its homeland security mission were born from the “failures among federal agencies and between the federal agencies and state and local authorities to share critical information related to the threat of terrorism” prior to the September 11, 2001, attacks.¹ The threat profile has changed in the past two decades – we now face continuous cyber threats by sophisticated actors, threats to soft targets and crowded places, threats from domestic violent extremists, and threats from new and emerging technologies. But information sharing and cooperation among state, local, and tribal authorities and federal agencies, including all DHS officials, is just as vital, and perhaps even more vital, today. Therefore, for FY 2021, we have identified five priority areas, tied to some of the most serious threats that DHS would like to see addressed by state and local

¹ Homeland Security Act of 2002: Report Together with Minority and Dissenting Views 222, Select Committee on Homeland Security: 107th Congress, U.S. House of Representatives (2002) (H. Rpt. 107-609).

governments, that recipients will need to address with their HSGP funds. Perhaps most importantly, we will be focused on forging partnerships to strengthen information sharing and collaboration in each of these priority areas and looking for recipients to remove barriers to communication and cooperation with DHS and other federal agencies.

b. *Objective*

The objective of the FY 2021 HSGP is to fund state, local, tribal, and territorial efforts to prevent terrorism and prepare the Nation for threats and hazards that pose the greatest risk to the security of the United States.

c. *Priorities*

Given the evolving threat landscape, it is incumbent upon DHS/FEMA to continuously evaluate the national risk profile and set priorities that help ensure appropriate allocation of scarce security dollars. In assessing the national risk profile for FY 2021, five priority areas attract the most concern. Due to the unique threats that the nation faces in 2021, DHS/FEMA has determined that these five priorities should be addressed by allocating specific percentages of SHSP and UASI funds to each of these five areas, for a total of 30 percent per award. The following are the five priority areas for FY 2021, along with the corresponding percentage of SHSP and UASI funds that each recipient will be required to designate to each priority area in order to obtain a full allocation of SHSP and UASI funds:

- 1) Enhancing cybersecurity – 7.5 percent
- 2) Enhancing the protection of soft targets/crowded places – 5 percent
- 3) Enhancing information and intelligence sharing and analysis, and cooperation with federal agencies, including DHS – 5 percent
- 4) Combating domestic violent extremism – 7.5 percent
- 5) Addressing emergent threats (e.g., transnational criminal organizations, unmanned aircraft systems [UASs], weapons of mass destruction [WMD], etc.) – 5 percent

Failure by a recipient to propose investments and projects that align with the five priority areas and spending requirements will result in a recipient having a portion of their SHSP and UASI funds (up to 30 percent) placed on hold until they provide projects that sufficiently align to the National Priority Areas, and total at least the minimum percentage identified above of total SHSP and UASI funds per National Priority Area.

A state or high-risk urban area must allocate the remaining 70 percent of their funding to gaps identified through their Threat and Hazard Identification and Risk Assessment (THIRA) and Stakeholder Preparedness Review (SPR) process.

Likewise, there are several enduring security needs that crosscut the homeland security enterprise to which recipients should consider allocating funding across core capability gaps and national priorities. The following are enduring needs that help recipients implement a comprehensive approach to securing communities:

- 1) Effective planning;
- 2) Training and awareness campaigns;

- 3) Equipment and capital projects; and
- 4) Exercises.

SHSP and UASI Funding Priorities

The table below provides a breakdown of the FY 2021 SHSP and UASI priorities (the focus of OPSG remains unique to border security), showing the core capabilities enhanced and lifelines supported, as well as examples of eligible project types for each area. A detailed description of allowable investments for each project type is included in the [Preparedness Grants Manual](#). DHS/FEMA anticipates that in future years, national priorities will continue to be included and will be updated as the threats evolve and as capability gaps are closed. Applicants are strongly encouraged to begin planning to sustain existing capabilities through funding mechanisms other than DHS preparedness grants.

FY 2021 SHSP & UASI Funding Priorities

Priority Areas	Core Capabilities	Lifelines	Example Project Types
National Priorities			
Enhancing Cybersecurity	<ul style="list-style-type: none"> • Cybersecurity • Intelligence and information sharing • Planning • Public information and warning • Operational coordination • Screening, search, and detection • Access control and identity verification • Supply chain integrity and security • Risk management for protection programs and activities • Long-term vulnerability reduction • Situational assessment • Infrastructure systems • Operational communications 	<ul style="list-style-type: none"> • Safety and Security 	<ul style="list-style-type: none"> • Cybersecurity risk assessments • Migrating online services to the “.gov” internet domain • Projects that address vulnerabilities identified in cybersecurity risk assessments <ul style="list-style-type: none"> ○ Improving cybersecurity of critical infrastructure to meet minimum levels identified by the Cybersecurity and Infrastructure Security Agency (CISA) ○ Cybersecurity training and planning
Enhancing the Protection of Soft Targets/ Crowded Places	<ul style="list-style-type: none"> • Operational coordination • Public information and warning • Intelligence and information sharing • Interdiction and disruption • Screening, search, and detection • Access control and identity verification • Physical protective measures • Risk management for protection programs and activities 	<ul style="list-style-type: none"> • Safety and Security 	<ul style="list-style-type: none"> • Operational overtime • Physical security enhancements <ul style="list-style-type: none"> ○ Closed-circuit television (CCTV) security cameras ○ Security screening equipment for people and baggage ○ Lighting ○ Access controls ○ Fencing, gates, barriers, etc.

Priority Areas	Core Capabilities	Lifelines	Example Project Types
Enhancing information and intelligence sharing and analysis, and cooperation with federal agencies, including DHS	<ul style="list-style-type: none"> • Intelligence and information sharing • Interdiction and disruption • Planning • Public information and warning • Operational coordination • Risk management for protection programs and activities 	<ul style="list-style-type: none"> • Safety and Security 	<ul style="list-style-type: none"> • Fusion center operations (Fusion Center project will be required under this investment, no longer as a stand-alone investment) • Information sharing with all DHS components; fusion centers; other operational, investigative, and analytic entities; and other federal law enforcement and intelligence entities • Cooperation with DHS officials and other entities designated by DHS in intelligence, threat recognition, assessment, analysis, and mitigation • Identification, assessment, and reporting of threats of violence • Joint intelligence analysis training and planning with DHS officials and other entities designated by DHS
Combating Domestic Violent Extremism	<ul style="list-style-type: none"> • Interdiction and disruption • Screening, search and detection • Physical protective measures • Intelligence and information sharing • Planning • Public information and warning • Operational coordination • Risk management for protection programs and activities 	<ul style="list-style-type: none"> • Safety and Security 	<ul style="list-style-type: none"> • Open source analysis of misinformation campaigns, targeted violence and threats to life, including tips/leads, and online/social media-based threats • Sharing and leveraging intelligence and information, including open source analysis • Execution and management of threat assessment programs to identify, evaluate, and analyze indicators and behaviors indicative of domestic violent extremists • Training and awareness programs (e.g., through social media, suspicious activity reporting [SAR] indicators and behaviors) to help prevent radicalization • Training and awareness programs (e.g., through social media, SAR indicators and behaviors) to educate the public on misinformation campaigns and resources to help them identify and report potential instances of domestic violent extremism
Addressing Emergent Threats, such as the activities of Transnational Criminal Organizations, open source threats, and threats from UAS and WMD	<ul style="list-style-type: none"> • Interdiction & disruption • Screening, search and detection • Physical protective measures • Intelligence and information sharing • Planning • Public Information and Warning • Operational Coordination 	<ul style="list-style-type: none"> • Safety and Security 	<ul style="list-style-type: none"> • Sharing and leveraging intelligence and information • UAS detection technologies • Enhancing WMD and/or improvised explosive device (IED) prevention, detection, response and recovery capabilities <ul style="list-style-type: none"> ○ Chemical/Biological/Radiological/Nuclear/Explosive (CBRNE) detection, prevention, response, and recovery equipment
Enduring Needs			
Planning	<ul style="list-style-type: none"> • Planning 	<ul style="list-style-type: none"> • Safety and Security 	<ul style="list-style-type: none"> • Development of: <ul style="list-style-type: none"> ○ Security Risk Management Plans

Priority Areas	Core Capabilities	Lifelines	Example Project Types
	<ul style="list-style-type: none"> • Risk management for protection programs and activities • Risk and disaster resilience assessment • Threats and hazards identification • Operational coordination • Community resilience 		<ul style="list-style-type: none"> ○ Threat Mitigation Plans ○ Continuity of Operations Plans ○ Response Plans • Efforts to strengthen governance integration between/among regional partners • Joint training and planning with DHS officials and other entities designated by DHS • Cybersecurity training and planning
Training & Awareness	<ul style="list-style-type: none"> • Long-term vulnerability reduction • Public information and warning • Operational coordination • Situational assessment • Community resilience 	<ul style="list-style-type: none"> • Safety and Security 	<ul style="list-style-type: none"> • Active shooter training • Intelligence analyst training • SAR and terrorism indicators/behaviors training • Security training for employees • Public awareness/preparedness campaigns • Joint training and planning with DHS officials and other entities designated by DHS • Cybersecurity training and planning
Equipment & Capital Projects	<ul style="list-style-type: none"> • Long-term vulnerability reduction • Infrastructure systems • Operational communications • Interdiction and disruption • Screening, search and detection • Access control and identity verification • Physical protective measures 	<ul style="list-style-type: none"> • Safety and Security 	<ul style="list-style-type: none"> • Protection of high-risk, high-consequence areas or systems that have been identified through risk assessments • Physical security enhancements <ul style="list-style-type: none"> ○ Security cameras (CCTV) ○ Security screening equipment for people and baggage ○ Lighting ○ Access Controls <ul style="list-style-type: none"> ▪ Fencing, gates, barriers, etc.
Exercises	<ul style="list-style-type: none"> • Long-term vulnerability reduction • Operational coordination • Operational communications • Community resilience 	<ul style="list-style-type: none"> • Safety and Security 	<ul style="list-style-type: none"> • Response exercises

For FY 2021, each SHSP and UASI recipient is required to submit an Investment Justification (IJ) for *each* of the five National Priority Areas identified above. Each of these five investments must also account for at least the relevant minimum percentage of the applicant's SHSP and UASI allocation. The fusion center project must be included under the Information and Intelligence Sharing IJ. State Administrative Agencies (SAAs) may submit complete project-level information at the time of application, including the five National Priority Area IJs, but are not required to do so. As a reminder, all SHSP- and UASI-funded projects must have a demonstrated nexus to preventing, preparing for, protecting against, and responding to acts of terrorism. However, such projects may simultaneously support enhanced preparedness for disasters unrelated to acts of terrorism.

DHS/FEMA also requires SHSP and UASI recipients (states, territories, and high-risk urban areas) to complete a THIRA/SPR and prioritize grant funding to support closing capability gaps or sustaining capabilities that address national priorities and/or support enduring needs.

Additional information on the THIRA/SPR process, including other National Preparedness System (NPS) tools and resources, can be found at <https://www.fema.gov/national-preparedness-system>. Detailed information on THIRA/SPR timelines and deadlines can be found in the [Preparedness Grants Manual](#).

OPSG Funding Priorities

The table below provides a breakdown of the FY 2021 OPSG funding priorities, which remain focused on and unique to border security.

FY 2021 OPSG Funding Priorities

Priority Areas	Core Capabilities	Lifelines	Example Project Types
National Priorities			
Enhancing information and intelligence sharing and analysis, and cooperation with federal agencies, including DHS	<ul style="list-style-type: none"> Intelligence and information sharing 	<ul style="list-style-type: none"> Safety and Security 	<ul style="list-style-type: none"> Participation in the DHS/ICE 287(g) training program Information sharing with all DHS components; fusion centers; other operational, investigative, and analytic entities; and other federal law enforcement and intelligence entities Cooperation with DHS officials and other entities designated by DHS in intelligence, threat recognition, assessment, analysis, and mitigation Identification, assessment, and reporting of threats of violence Joint intelligence analysis training and planning with DHS officials and other entities designated by DHS
Addressing Emergent Threats, such as the activities of Transnational Criminal Organizations	<ul style="list-style-type: none"> Interdiction & disruption Screening, search and detection Physical protective measures Intelligence and information sharing 	<ul style="list-style-type: none"> Safety and Security 	<ul style="list-style-type: none"> Operational overtime for border security operations as directed by the applicable, USBP-approved operations order Sharing and leveraging intelligence and information

For FY 2021, each OPSG applicant is required to clearly articulate and identify how the Concept of Operations addresses *each* of the two national priorities identified above.

11. Performance Metrics

Performance metrics for this program:

SHSP and UASI:

- Percentage of funding allocated by the recipient to core capabilities to build or sustain national priorities identified in the section above

OPSG:

- Number of contacts that occurred as a result of OPSG deployments
 - Number of arrests that resulted from OPSG contacts
 - Value of drug seizures that resulted from OPSG contacts

B. Federal Award Information

1. Available Funding for the NOFO: **\$1,120,000,000.00**

HSGP Programs	FY 2021 Allocation
SHSP	\$415,000,000
UASI	\$615,000,000
OPSG	\$90,000,000
Total	\$1,120,000,000

SHSP Allocations

For FY 2021, DHS/FEMA will award SHSP funds based on DHS/FEMA's relative risk methodology and statutory minimums pursuant to the *Homeland Security Act of 2002*, as amended. THIRA/SPR results do not impact grant allocation or award.

Each state and territory will receive a minimum allocation under the SHSP using thresholds established in the *Homeland Security Act of 2002*, as amended. All 50 States, the District of Columbia, and the Commonwealth of Puerto Rico will receive 0.35 percent of the total funds allocated for grants under Section 2003 and Section 2004 of the *Homeland Security Act of 2002*, as amended. Each of the four territories (American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands) will receive a minimum allocation of 0.08 percent of the total funds allocated for grants under Section 2003 and 2004 of the *Homeland Security Act of 2002*, as amended.

Each state must include a separate IJ for each of the five National Priority Areas identified in the Priorities section, above. **All projects related to the National Priority Area must be included in the IJ.** The funding level in each National Priority Area investment **must equal or exceed** the percentage for that respective National Priority Area, calculated as a percentage of the state's SHSP allocation in the table below.

FY 2021 SHSP ALLOCATIONS

State/Territory	FY 2021 Allocation	State/Territory	FY 2021 Allocation
Alabama	\$4,602,500	Montana	\$4,602,500
Alaska	\$4,602,500	Nebraska	\$4,602,500
American Samoa	\$1,052,000	Nevada	\$4,602,500
Arizona	\$4,602,500	New Hampshire	\$4,602,500
Arkansas	\$4,602,500	New Jersey	\$7,345,897
California	\$59,220,807	New Mexico	\$4,602,500
Colorado	\$4,602,500	New York	\$70,639,800

State/Territory	FY 2021 Allocation	State/Territory	FY 2021 Allocation
Connecticut	\$4,602,500	North Carolina	\$5,280,222
Delaware	\$4,602,500	North Dakota	\$4,602,500
District of Columbia	\$5,280,222	Northern Mariana Islands	\$1,052,000
Florida	\$9,701,894	Ohio	\$6,428,138
Georgia	\$5,491,278	Oklahoma	\$4,602,500
Guam	\$1,052,000	Oregon	\$4,602,500
Hawaii	\$4,602,500	Pennsylvania	\$8,447,973
Idaho	\$4,602,500	Puerto Rico	\$4,602,500
Illinois	\$14,427,260	Rhode Island	\$4,602,500
Indiana	\$4,602,500	South Carolina	\$4,602,500
Iowa	\$4,602,500	South Dakota	\$4,602,500
Kansas	\$4,602,500	Tennessee	\$4,602,500
Kentucky	\$4,602,500	Texas	\$18,908,141
Louisiana	\$4,602,500	U.S. Virgin Islands	\$1,052,000
Maine	\$4,602,500	Utah	\$4,602,500
Maryland	\$7,345,897	Vermont	\$4,602,500
Massachusetts	\$6,428,138	Virginia	\$8,447,973
Michigan	\$5,280,222	Washington	\$6,428,138
Minnesota	\$4,602,500	West Virginia	\$4,602,500
Mississippi	\$4,602,500	Wisconsin	\$4,602,500
Missouri	\$4,602,500	Wyoming	\$4,602,500
Total			\$415,000,000

UASI Allocations

Eligible candidates for the FY 2021 UASI program are identified in the table below. Eligibility has been determined through an analysis of relative risk of terrorism faced by the 100 most populous Metropolitan Statistical Areas (MSAs) in the United States, in accordance with the *Homeland Security Act of 2002*, as amended. Detailed information on MSAs is publicly available from the United States Census Bureau at <https://www.census.gov/programs-surveys/metro-micro.html>. THIRA/SPR results do not impact grant allocation or award.

The following table identifies the UASI allocations for each high-risk urban area based on DHS/FEMA's relative risk methodology pursuant to the *Homeland Security Act of 2002*, as amended.

In its application, each high-risk urban area, through the state, must include a separate IJ for each of the five National Priority Areas identified in the Priorities section, above. **All projects related to the National Priority Area must be included in the IJ.** The funding level in each National Priority Area investment **must equal or exceed** the percentage for that respective National Priority Area, calculated as a percentage of the urban area's UASI allocation in the table below.

2021 UASI ALLOCATIONS

State/Territory	Urban Area	FY 2021 UASI Allocation
Arizona	Phoenix Area	\$5,250,000
California	Anaheim/Santa Ana Area	\$5,250,000
	Bay Area	\$37,500,000
	Los Angeles/Long Beach Area	\$68,000,000
	Riverside Area	\$3,900,000
	Sacramento Area	\$3,800,000
	San Diego Area	\$16,900,000
Colorado	Denver Area	\$3,900,000
District of Columbia	National Capital Region	\$51,750,000
Florida	Miami/Fort Lauderdale Area	\$14,750,000
	Orlando Area	\$3,800,000
	Tampa Area	\$3,800,000
Georgia	Atlanta Area	\$6,250,000
Hawaii	Honolulu Area	\$3,800,000
Illinois	Chicago Area	\$68,000,000
Maryland	Baltimore Area	\$4,250,000
Massachusetts	Boston Area	\$16,900,000
Michigan	Detroit Area	\$5,250,000
Minnesota	Twin Cities Area	\$5,250,000
Missouri	St. Louis Area	\$3,800,000
Nevada	Las Vegas Area	\$5,250,000
New Jersey	Jersey City/Newark Area	\$19,050,000
New York	New York City Area	\$178,750,000
North Carolina	Charlotte Area	\$3,800,000
Oregon	Portland Area	\$3,800,000
Pennsylvania	Philadelphia Area	\$16,900,000
Texas	Dallas/Fort Worth/Arlington Area	\$16,900,000
	Houston Area	\$24,600,000
	San Antonio Area	\$3,800,000
Virginia	Hampton Roads Area	\$3,800,000
Washington	Seattle Area	\$6,250,000
Total		\$615,000,000

OPSG Allocations

For FY 2021, DHS/FEMA will award OPSG funds based on risk and the anticipated effectiveness of the proposed use of grant funds upon completion of the application review process. The FY 2021 OPSG risk assessment is designed to identify the risk to border security and to assist with the distribution of funds for the grant program. Funding under OPSG is distributed based on the risk to the security of the border and the effectiveness of the proposed projects. Entities eligible for funding are the state, local, and tribal law

enforcement agencies that are located along the border of the United States. DHS/FEMA will make final award determinations based upon a review of the anticipated effectiveness of the state's application as described in Section D, below. The THIRA/SPR process is not required for OPSG.

For the purposes of OPSG, the risk is defined as the potential for an adverse outcome assessed as a function of threats, vulnerabilities, and consequences associated with an incident, event, or occurrence.

Based upon ongoing intelligence analysis and extensive security reviews, DHS/CBP continues to focus the bulk of OPSG funds based upon risk analyses. The risk model used to allocate OPSG funds considers the potential risk that certain threats pose to border security and estimates the relative risk faced by a given area. In evaluating risk, DHS/CBP considers intelligence, situational awareness, criminal trends, and statistical data specific to each of the border sectors, and the potential impacts that these threats pose to the security of the border area. For vulnerability and consequence, DHS/CBP considers the expected impact and consequences of successful border events occurring in specific areas.

Threat and vulnerability are evaluated based on specific operational data from DHS/CBP. Threat components present in each of the sectors are used to determine the overall threat score. These components are terrorism, criminal aliens, drug trafficking organizations, and alien smuggling organizations.

Effectiveness of the proposed investments will be evaluated based on the recipient's investment strategy, budget, collaboration, and past performance.

2. Projected Number of Awards: **56**
3. Period of Performance: **36 months**

Extensions to the period of performance are allowed. For additional information on period of performance extensions, please refer to Section H of this NOFO and the [Preparedness Grants Manual](#).

FEMA awards under this program only include one budget period, so it will be same as the period of performance. *See* 2 C.F.R. § 200.1 for definitions of "budget period" and "period of performance."

4. Projected Period of Performance Start Date(s): **10/01/2021**
5. Projected Period of Performance End Date(s): **09/30/2024**
6. Funding Instrument Type: **Grant**

C. Eligibility Information

1. Eligible Applicants

The SAA is the only entity eligible to submit HSGP applications to DHS/FEMA, including

those applications submitted on behalf of UASI and OPSG applicants. All 56 states and territories, including any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, are eligible to apply for SHSP funds. Tribal governments may not apply directly for HSGP funding; however, funding may be available to tribes under the SHSP and OPSG through the SAA.

2. Applicant Eligibility Criteria

Eligible high-risk urban areas for the FY 2021 UASI program have been determined through an analysis of relative risk of terrorism faced by the 100 most populous MSAs in the United States. Subawards will be made by the SAAs to the designated high-risk urban areas.

In FY 2021, OPSG eligible subrecipients are local units of government at the county level or equivalent level of government and federally recognized tribal governments in states bordering Canada or Mexico and states and territories with international water borders. All applicants must have active ongoing USBP operations coordinated through a CBP sector office to be eligible for OPSG funding.

In FY 2021, OPSG subrecipients eligible to apply for and receive a subaward directly from the SAAs are divided into three Tiers. Tier 1 entities are local units of government at the county level or equivalent and federally recognized tribal governments that are on a physical border in states bordering Canada, states bordering Mexico, and states and territories with international water borders. Tier 2 eligible subrecipients are those not located on the physical border or international water but are contiguous to a Tier 1 county. Tier 3 eligible subrecipients are those not located on the physical border or international water but are contiguous to a Tier 2 eligible subrecipient. The tier structure is only applicable with regard to eligibility. OPSG funding allocations are based on the assessed border security risks as determined by the USBP.

An application submitted by an otherwise eligible non-federal entity (i.e., the applicant) may be deemed ineligible when the person that submitted the application is not: 1) a ***current employee, personnel, official, staff, or leadership*** of the non-federal entity; and 2) ***duly authorized to apply*** for an award on behalf of the non-federal entity at the time of application.

Further, the Authorized Organization Representative (AOR) must be a duly authorized current employee, personnel, official, staff, or leadership of the recipient and ***provide an email address unique to the recipient at the time of application and upon any change in assignment during the period of performance. Consultants or contractors of the recipient are not permitted to be the AOR of the recipient.***

3. Other Eligibility Criteria

a. National Incident Management System (NIMS) Implementation

Prior to allocation of any federal preparedness awards, recipients must ensure and maintain adoption and implementation of NIMS. The list of objectives used for progress and

achievement reporting is on FEMA's website at <https://www.fema.gov/emergency-managers/nims/implementation-training>.

Please see the [Preparedness Grants Manual](#) for more information on NIMS.

b. *Emergency Management Assistance Compact (EMAC) Membership*

In support of the National Preparedness Goal (the Goal), SHSP recipients must belong to, be in, or act as a temporary member of EMAC, except for American Samoa and the Commonwealth of the Northern Mariana Islands, which are not required to belong to EMAC at this time. All assets supported in part or entirely with FY 2021 HSGP funding must be readily deployable and NIMS-typed when possible to support emergency or disaster operations per existing EMAC agreements. In addition, funding may be used for the sustainment of core capabilities that, while they may not be physically deployable, support national response capabilities, such as Geographic/Geospatial Information Systems (GIS), interoperable communications systems, capabilities as defined under the Mitigation Mission Area of the Goal, and fusion centers.

c. *Law Enforcement Terrorism Prevention Activities (LETPA)*

Per section 2006 of the *Homeland Security Act of 2002*, as amended (6 U.S.C. § 607), DHS/FEMA is required to ensure that at least 25 percent of grant funding appropriated for grants awarded under HSGP's authorizing statute are used for LETPAs. DHS/FEMA meets this requirement, in part, by requiring all recipients allocate at least 25 percent of the combined HSGP funds allocated under SHSP and UASI towards LETPAs, as defined in 6 U.S.C. § 607. The LETPA allocation can be from SHSP, UASI, or both. The 25 percent LETPA allocation may be met by funding projects in any combination of the five National Priority Areas identified above and any other investments. The 25 percent LETPA allocation requirement is in addition to the 80 percent pass-through requirement to local units of government and tribes, referenced below.

The [National Prevention Framework](#) describes those activities that should be executed upon the discovery of intelligence or information regarding an imminent threat to the homeland, to thwart an initial or follow-on terrorist attack and provides guidance to ensure the Nation is prepared to identify, prevent, avoid, or stop a threatened or actual act of terrorism. Activities outlined in the National Prevention Framework are eligible for use as LETPA-focused funds. Also, where capabilities are shared with the protection mission area, the National Protection Framework activities are also eligible. All other terrorism prevention activities proposed for funding under LETPA must be approved by the FEMA Administrator.

4. Cost Share or Match

There is no cost share or match requirement for the FY 2021 HSGP.

D. Application and Submission Information

1. Key Dates and Times

a. *Application Start Date:* 02/25/2021

b. Application Submission Deadline:

05/14/2021 at 05 PM ET

All applications **must** be received by the established deadline.

The Non-Disaster (ND) Grants System has a date stamp that indicates when an application is submitted. Applicants will receive an electronic message confirming receipt of their submission. For additional information on how an applicant will be notified of application receipt, see the subsection titled “Timely Receipt Requirements and Proof of Timely Submission” in Section D of this NOFO.

FEMA will not review applications that are received after the deadline or consider these late applications for funding. FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the applicant’s control that prevent submission of the application by the deadline, other exigent or emergency circumstances, or statutory requirements for FEMA to make an award.

Applicants experiencing technical problems outside of their control must notify FEMA as soon as possible and before the application deadline. Failure to timely notify FEMA of the issue that prevented the timely filing of the application may preclude consideration of the award. “Timely notification” of FEMA means: prior to the application deadline and within 48 hours after the applicant became aware of the issue.

A list of FEMA contacts can be found in Section G of this NOFO, “DHS Awarding Agency Contact Information.” For additional assistance using the ND Grants System, please contact the ND Grants Service Desk at (800) 865-4076 or NDGrants@fema.dhs.gov. The ND Grants Service Desk is available Monday through Friday, 9:00 AM – 6:00 PM Eastern Time (ET). For programmatic or grants management questions, please contact your Program Analyst or Grants Specialist. If applicants do not know who to contact or if there are programmatic questions or concerns, please contact the Centralized Scheduling and Information Desk (CSID) by phone at (800) 368-6498 or by e-mail at askcsid@fema.dhs.gov, Monday through Friday, 9 AM – 5 PM ET.

c. Anticipated Funding Selection Date:

No later than 07/16/2021

d. Anticipated Award Date:

No later than 09/30/2021

e. Other Key Dates:

Event	Suggested Deadline for Completion
Obtaining DUNS Number	Four weeks before actual submission deadline
Obtaining a valid EIN	Four weeks before actual submission deadline
Creating an account with login.gov	Four weeks before actual submission deadline
Registering in SAM or Updating SAM registration	Four weeks before actual submission deadline
Registering in Grants.gov	Four weeks before actual submission deadline

Starting application in Grants.gov	One week before actual submission deadline
Submitting the final application in ND Grants	By the submission deadline

2. Agreeing to Terms and Conditions of the Award

By submitting an application, applicants agree to comply with the requirements of this NOFO and the terms and conditions of the award, should they receive an award.

3. Address to Request Application Package

See the [Preparedness Grants Manual](#) for requesting and submitting an application.

Initial applications are processed through the [Grants.gov](#) portal. Final applications are completed and submitted through FEMA's ND Grants System. Application forms and instructions are available at Grants.gov. To access these materials, go to <http://www.grants.gov>.

Hard copies of the NOFO can be downloaded at [Grants.gov](#) or obtained via email from the Awarding Office points of contact listed in Section G of this NOFO, "DHS Awarding Agency Contact Information" or by TTY (800) 462-7585.

4. Steps Required to Obtain a Unique Entity Identifier, Register in the System for Award Management (SAM), and Submit an Application

Applying for an award under this program is a multi-step process and requires time to complete. Applicants are encouraged to register early as the registration process can take four weeks or more to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required submission deadlines.

Please review the table above for estimated deadlines to complete each of the steps listed. Failure of an applicant to comply with any of the required steps before the deadline for submitting an application may disqualify that application from funding.

To apply for an award under this program, all applicants must:

- a. Apply for, update, or verify their Data Universal Numbering System (DUNS) number from Dun & Bradstreet and Employer Identification Number (EIN) from the Internal Revenue Service;
- b. In the application, provide a valid DUNS number, which is currently the unique entity identifier;
- c. Have an account with [login.gov](#);
- d. Register for, update, or verify their SAM account and ensure the account is active before submitting the application;
- e. Create a Grants.gov account;
- f. Add a profile to a Grants.gov account;
- g. Establish an AOR in Grants.gov;
- h. Register in ND Grants
- i. Submit an initial application in Grants.gov;

- j. **Submit the final application in ND Grants, including electronically signing applicable forms; and**
- k. Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. As part of this, applicants must also provide information on an applicant's immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

Specific instructions on how to apply for, update, or verify a DUNS number or SAM registration or establish an AOR are included below in the steps for applying through Grants.gov.

Applicants are advised that FEMA may not make a federal award until the applicant has complied with all applicable DUNS and SAM requirements. Therefore, an applicant's SAM registration must be active not only at the time of application, but also during the application review period and when FEMA is ready to make a federal award. Further, as noted above, an applicant's or recipient's SAM registration must remain active for the duration of an active federal award. If an applicant's SAM registration is expired at the time of application, expires during application review, or expires any other time before award, FEMA may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

Per 2 C.F.R. § 25.110(c)(2)(ii), if an applicant is experiencing exigent circumstances that prevents it from receiving a DUNS number and completing SAM registration prior to receiving a federal award, the applicant must notify FEMA as soon as possible by contacting askcsid@fema.dhs.gov and providing the details of the circumstances that prevent completion of these requirements. If FEMA determines that there are exigent circumstances and FEMA has decided to make an award, the applicant will be required to obtain a DUNS number and complete SAM registration within 30 days of the federal award date.

5. Electronic Delivery

DHS is participating in the Grants.gov initiative to provide the grant community with a single site to find and apply for grant funding opportunities. DHS encourages or requires applicants to submit their applications online through Grants.gov, depending on the funding opportunity.

For this funding opportunity, FEMA requires applicants to submit initial applications through Grants.gov and a final application through ND Grants.

6. How to Register to Apply through Grants.gov

For information on how to register to apply through Grants.gov, please see the [Preparedness Grants Manual](#).

7. How to Submit an Initial Application to FEMA via Grants.gov

Standard Form 424 (SF-424) is the initial application for this NOFO.

Grants.gov applicants can apply online using a workspace. A workspace is a shared, online environment where members of a grant team may simultaneously access and edit different web forms within an application. For each Notice of Funding Opportunity, you can create individual instances of a workspace. Applicants are encouraged to submit their initial applications in Grants.gov at least seven days before the application deadline.

In Grants.gov, applicants need to submit the following forms:

- SF-424, Application for Federal Assistance
- Grants.gov Lobbying Form, Certification Regarding Lobbying

For further information on how to submit an initial application via Grants.gov, please see the [Preparedness Grants Manual](#).

8. Submitting the Final Application in ND Grants

After submitting the initial application in Grants.gov, eligible applicants will be notified by FEMA and asked to proceed with submitting their complete application package in ND Grants. Applicants can register early with ND Grants and are encouraged to begin their ND Grants registration at the time of this announcement or, at the latest, seven days before the application deadline. Early registration will allow applicants to have adequate time to start and complete their applications.

Applicants needing assistance registering for the ND Grants system should contact ndgrants@fema.dhs.gov or (800) 865-4076. For step-by-step directions on using the ND Grants system and other guides, please see <https://www.fema.gov/grants/guidance-tools/non-disaster-grants-management-system>.

In ND Grants, applicants will be prompted to submit the standard application information and any program-specific information required as described in Section D.10 of this NOFO, “Content and Form of Application Submission.”. The Standard Forms (SF) are auto generated in ND Grants, but applicants may access these forms in advance through the Forms tab under the [SF-424 family on Grants.gov](#). Applicants should review these forms before applying to ensure they have all the information required.

For additional application submission requirements, including program-specific requirements, please refer to the subsection titled “Content and Form of Application Submission” under Section D of this NOFO.

9. Timely Receipt Requirements and Proof of Timely Submission

As application submission is a two-step process, the applicant with the AOR role who submitted the application in Grants.gov will receive an acknowledgement of receipt and a tracking number (GRANTXXXXXXXXX) from Grants.gov with the successful transmission of its initial application. **This notification does not serve as proof of timely submission, as the application is not complete until it is submitted in ND Grants.** Applicants can also view the ND Grants Agency Tracking Number by accessing the Details tab in the submitted workspace section in Grants.gov, under the Agency Tracking Number column. Should the Agency Tracking Number not appear, the application has not yet migrated from Grants.gov

into the ND Grants System. Please allow 24 hours for your ND Grants application tracking number to migrate.

All applications must be received in ND Grants by **5 PM ET** on the application deadline. Proof of timely submission is automatically recorded by ND Grants. An electronic date/time stamp is generated within the system when the application is successfully received by ND Grants. Additionally, the applicant(s) listed as contacts on the application will receive a system-generated email to confirm receipt.

10. Content and Form of Application Submission

a. *Standard Required Application Forms and Information*

I. GRANTS.GOV

- **SF-424, Application for Federal Assistance**, initial application submitted through Grants.gov
- **Grants.gov Lobbying Form, Certification Regarding Lobbying**, submitted through Grants.gov

II. ND GRANTS

- **SF-424A, Budget Information (Non-Construction)**, submitted via the forms generated by ND Grants
 - **For construction under an award, submit SF-424C, Budget Information (Construction)**, submitted via the forms generated by ND Grants, in addition to or instead of SF-424A
- **SF-424B, Standard Assurances (Non-Construction)**, submitted via the forms generated by ND Grants
 - **For construction under an award, submit SF-424D, Standard Assurances (Construction)**, submitted via the forms generated by ND Grants, in addition to or instead of SF-424B
- **SF-LLL, Disclosure of Lobbying Activities**, submitted via the forms generated by ND Grants
- **Indirect Cost Agreement or Proposal**, submitted as an attachment in ND Grants if the budget includes indirect costs and the applicant is required to have an indirect cost rate agreement or proposal. If the applicant does not have or is not required to have an indirect cost rate agreement or proposal, please see Section D.13 of this NOFO, “Funding Restrictions and Allowable Costs,” for further information regarding allowability of indirect costs and whether alternatives to an indirect cost rate agreement or proposal might be available, or contact the relevant FEMA staff identified in Section G of this NOFO, “DHS Awarding Agency Contact Information” for further instructions.

Generally, applicants have to submit either the non-construction forms (i.e., SF-424A and SF-424B) or construction forms (i.e., SF-424C and SF-424D), meaning that applicants that only have construction work and do not have any non-construction work need only submit the construction forms (i.e., SF-424C and SF-424D) and not the non-construction forms (i.e., SF-424A and SF-424B), and vice versa. However, applicants who have both construction and non-construction work under this program need to submit both the construction and non-construction forms.

b. Program-Specific Required Forms and Information

i. IJ DEVELOPMENT: SHSP AND UASI

As part of the FY 2021 HSGP application process for SHSP and UASI funds, applicants must develop formal IJs that address the proposed investments. Failure to fulfill all of the terms contained in this section will be considered by DHS/FEMA in its evaluation of the effectiveness of the IJs submitted to meet the minimum percent spend requirement for each National Priority Area. Failure to sufficiently align projects to the National Priority Areas and meet the minimum percent spend requirement will result in funds being placed on hold until those issues are addressed.

FY 2021 SHSP and UASI applications must include one (1) IJ and at least one (1) respective project for each of the five National Priority Areas (Cybersecurity, Soft Targets/Crowded Places, Intelligence and Information Sharing, Countering Domestic Violent Extremism, and Emerging Threats) identified in this NOFO. Each of these five IJs must also meet or exceed the minimum percent spend requirement based on the applicant's SHSP and UASI allocation stated in this NOFO. **The SAA must submit one IJ per National Priority Area; all projects associated with a National Priority Area must be submitted in the same IJ and account for the relevant minimum spend requirement as a percentage of the SHSP or UASI allocation.** SAAs may submit complete project-level information at the time of application but are not required to do so at the time of application. However, any SHSP or UASI application that does not include an IJ for each National Priority Area that meets the minimum spend requirement will have that funding placed on hold (up to the National Priority Area, or up to 30 percent of the total award) until those IJs and project-level details that sufficiently address the National Priority Areas are received and approved by DHS/FEMA.

Each IJ must *demonstrate* how proposed investments:

- Support terrorism preparedness;
- Support closing capability gaps or sustaining capabilities identified in the community's THIRA/SPR process; and
- Support the overcoming of existing logistical, technological, legal, policy, and other impediments to collaborating, networking, sharing information, cooperating, and fostering a culture of national preparedness with federal, state, tribal, and local governments, as well as other regional, and nonprofit partners in efforts to prevent, prepare for, protect against, and respond to acts of terrorism, to meet its target capabilities, support the national security mission of DHS and other federal agencies, and to otherwise reduce the overall risk to the high-risk urban area, the state, or the Nation.

Each IJ must *explain* how the proposed investments will support the applicant's efforts to:

- Prevent a threatened or an actual act of terrorism;
- Prepare for all hazards and threats, while explaining the nexus to terrorism preparedness;
- Protect citizens, residents, visitors, and assets against the greatest threats and hazards, relating to acts of terrorism; and/or

- Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of an act of terrorism or other catastrophic incidents.

If not included in the application, SHSP and UASI recipients must submit complete project-level information for each SHSP and UASI IJ as part of the Biannual Strategy Implementation Report (BSIR) due by January 30, 2022. This includes IJs for the five National Priority Areas.

DHS/FEMA will evaluate the effectiveness of the projects submitted in support of the National Priority Areas, either at the time of application or as part of the December 2021 BSIR. DHS/FEMA will not reduce FY 2021 HSGP awards based on the effectiveness review but will work with recipients to ensure compliance with the National Priority Area requirements based on the results of the effectiveness review. Recipients and subrecipients will not be permitted to expend funding under the National Priority Areas until the effectiveness of the proposed projects has been reviewed and confirmed by FEMA.

II. DEVELOPMENT OF INVESTMENTS AND PROJECTS: SHSP

- Applicants must propose at least five and may include up to ten investments.
- Within each investment, applicants must propose at least one project to describe the activities they plan to implement with SHSP funds. There is no limit to the number of projects that may be submitted.
- Required National Priority Area IJs must include the name of the priority in the investment name for easy identification.
- Of the proposed SHSP-funded investments, one single project, within the required Intelligence and Information Sharing National Priority Area IJ, must be in support of a designated fusion center. Recipients must coordinate with the fusion center when developing a fusion center project prior to submission. See additional information on how to develop the fusion center projects below and in the [Preparedness Grants Manual](#).
- All emergency communications investments must describe how such activities align with needs identified in their Statewide Communication Interoperability Plan (SCIP). Recipients must coordinate with their Statewide Interoperability Coordinator (SWIC) and/or Statewide Interoperability Governing Body (SIGB) when developing an emergency communications investment prior to submission to ensure the project supports the statewide strategy to improve emergency communications and is compatible and interoperable with surrounding systems. The investment name must include the words “emergency communications” to easily identify any emergency communications investments.
- All requested funding must be associated with specific projects. For each project, several pieces of information must be provided to submit the project for consideration in the application, including:
 - Project name;
 - Project description;
 - Subrecipient name, if applicable;
 - Recipient type (e.g., state or local);
 - Project location (zip code of the primary location of the project);
 - Primary core capability the project supports;

- Whether the project activities are shareable and deployable; and
- Which National Priority Area (if any) the project supports.
- Projects should describe how the proposed investment supports closing capability gaps or sustaining capabilities identified in the THIRA/SPR process.
- FEMA encourages states to use any DHS provided assessments, such as those performed by DHS's Protective Security Advisors and Cybersecurity Advisors, when developing their IJs.

III. **NATIONAL PRIORITY AREA INVESTMENTS: SHSP**

States are encouraged to review the [Strategic Framework for Countering Terrorism and Targeted Violence](#) when developing investments.

- **Cybersecurity IJ (7.5 percent)**

At least one investment must be in support of the state's cybersecurity efforts. The investment must meet or exceed the FY 2021 national priority percentage for cybersecurity and will also be subject to DHS/FEMA's evaluation of the effectiveness of the proposed investments. Cybersecurity investments must support the security and functioning of critical infrastructure and core capabilities as they relate to preventing, preparing for, protecting against, or responding to acts of terrorism. Recipients and subrecipients of FY 2021 HSGP grant awards will be required to complete the 2021 [Nationwide Cybersecurity Review](#) (NCSR), enabling agencies to benchmark and measure progress of improving their cybersecurity posture. The Chief Information Officer (CIO), Chief Information Security Officer (CISO) or equivalent for each recipient should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 2-3 hours to complete. The 2021 NCSR is estimated to be open from October – December 2021.

The NCSR is an annual requirement for recipients and subrecipients of HSGP funds. Additionally, FEMA recognizes that some subawards will not be issued until after the NCSR has closed. In such cases, such subrecipients will be required to complete the first available NCSR offered after the subaward has been issued by the pass-through entity. Although not required by SLTTs that did not receive HSGP funds, all SLTT agencies with preparedness responsibilities are highly encouraged to participate and complete the NCSR to evaluate their cybersecurity posture. For detailed information and background on the NCSR, please see [IB 439](#).

- **Soft Targets/Crowded Places IJ (5 percent)**

Soft targets and crowded places are increasingly appealing to terrorists and other extremist actors because of their relative accessibility and the large number of potential targets. This challenge is complicated by the prevalent use of simple tactics and less sophisticated attacks. Segments of our society are inherently open to the general public, and by nature of their purpose do not incorporate strict security measures. Given the increased emphasis by terrorists and other extremist actors to leverage less sophisticated methods to inflict harm in public areas, it is vital that the public and private sectors

collaborate to enhance security of locations such as transportation centers, parks, restaurants, shopping centers, special event venues, and similar facilities.

Given the increased risk to soft targets and crowded places, at least one investment must be in support of the state's efforts to protect soft targets/crowded places. Additionally, the proposed investment must meet or exceed the FY 2021 national priority percentage for soft targets/crowded places and will also be subject to DHS/FEMA's evaluation of the effectiveness of the proposed investments. Additional resources and information regarding securing soft targets and crowded places are available through the [Cybersecurity and Infrastructure Security Agency](#). States are encouraged to engage DHS' Protective Security Advisors' security assessments of soft targets to ensure that recommendations from those assessments are taken into consideration when allocating grant funding.

- **Information and Intelligence Sharing and Cooperation IJ (5 percent)**

Effective homeland security operations rely on access to, analysis of, and the timely sharing of open source, unclassified, and classified information, suspicious activity reports, tips/leads, and actionable intelligence on indicators and behaviors to accurately identify, assess, and mitigate a wide array of threats against the United States, including terrorism, threats to life, targeted violence, and other threats within the DHS mission space. Accordingly, DHS works diligently to enhance intelligence collection, integration, analysis, and information sharing capabilities to ensure partners, stakeholders, and senior leaders receive actionable intelligence and information necessary to inform their decisions and operations. A critical and statutorily charged mission of DHS is to deliver intelligence and information to federal, state, local, and tribal governments and private sector partners. Cooperation and information sharing among state, federal, and local partners across all areas of the homeland security enterprise, including counterterrorism – including both international and domestic terrorism, cybersecurity, border security, transnational organized crime, immigration enforcement, economic security, and other areas is critical to homeland security operations and the prevention of, preparation for, protection against, and responding to acts of terrorism, and other threats to life and criminal acts of targeted violence.

Given the importance of information sharing and collaboration to effective homeland security solutions, at least one investment must be in support of the state's efforts to enhance information sharing and cooperation with DHS and other federal agencies. As noted above, this requirement must include at least one dedicated fusion center project. Additional instructions on development of the fusion center project can be found below. Applicants must justify persuasively how they will contribute to the information sharing and collaboration purposes of the investment and a culture of national preparedness. Additionally, the proposed investment must meet or exceed the FY 2021 national priority percentage for information sharing and cooperation with DHS and will also be subject to DHS/FEMA's evaluation of the effectiveness of the proposed investments. Additional resources and information regarding collaboration and information sharing are available through the Department's [Office of Intelligence and Analysis](#).

- **Domestic Violent Extremism IJ (7.5 percent)**

As stated in the October 2020 DHS Homeland Threat Assessment, domestic violent extremists, including ideologically motivated lone offenders and small groups, present the most persistent and lethal terrorist threat to the Homeland. These violent extremists capitalize on social and political tensions, which have resulted in an elevated threat environment. They utilize social media platforms and other technologies to spread violent extremist ideologies that encourage violence and influence action within the United States. The COVID-19 pandemic has further created an environment that may lead to accelerated mobilization to targeted violence and/or radicalization to domestic terrorism, including driving lawful protests to incite violence, intimidate targets, and promote their violent extremist ideologies.

Given the rise of domestic violent extremism in recent years, at least one investment must be in support of the state's efforts to combat the rise, influence, and spread of domestic violent extremism. Additionally, the proposed investment must meet or exceed the FY 2021 national priority percentage for domestic violent extremism and will also be subject to DHS/FEMA's evaluation of the effectiveness of the proposed investments.

Please note that there currently is not a "Domestic Violent Extremism" Investment Type option in the Grant Reporting Tool (GRT). Instead applicants should select the "Standard" Investment Type and clearly name the IJ as "Domestic Violent Extremism Priority Area" to ensure it is appropriately accounted for during FEMA's administrative and effectiveness reviews.

- **Emerging Threats IJ (5 percent)**

The spread of rapidly evolving and innovative technology, equipment, techniques, and knowledge presents new and emerging dangers for homeland security in the years ahead. Terrorists, criminal actors, and foreign adversaries continue to utilize open source and other technologies to spread misinformation and sow discord in the United States. These actors also remain intent on acquiring WMD capabilities, and rogue nations and non-state actors are aggressively working to develop, acquire, and modernize WMDs that they could use against the Homeland. Meanwhile, biological and chemical materials and technologies with dual use capabilities are more accessible throughout the global market. Due to the proliferation of such information and technologies, rogue nations and non-state actors have more opportunities to develop, acquire, and use WMDs than ever before. Similarly, the proliferation of UASs, artificial intelligence, and biotechnology increase opportunities of threat actors to acquire and use these capabilities against the United States and its interests.

Given the increased risk of these emerging threats, at least one investment must be in support of the state's efforts to address emerging threats. Additionally, the proposed investment must meet or exceed the FY 2021 national priority percentage for emerging threats and will also be subject to DHS/FEMA's evaluation of the effectiveness of the proposed investments. Additional resources and information regarding emerging threats are available through the [Countering Weapons of Mass Destruction Office](#) and the [Cybersecurity and Infrastructure Security Agency](#).

IV. **DEVELOPMENT OF INVESTMENTS AND PROJECTS: UASI**

- Applicants must propose at least five and may include up to ten investments.
- Within each investment, urban areas must propose at least one project to describe the activities they are planning to implement with UASI funds. There is no limit to the number of projects that may be submitted.
- Required National Priority Area IJs must include the name of the priority in the investment name for easy identification.
- Of the proposed projects, urban areas are required to propose one single project, as part of the required intelligence and information sharing IJ, in support of a designated fusion center within the urban area, if applicable. Recipients must coordinate with the fusion center when developing a fusion center project prior to submission. See additional information on how to develop fusion center investments below and in the [Preparedness Grants Manual](#).
- All emergency communications investments must describe how such activities align with the needs identified in their SCIP. Recipients must coordinate with their SWIC and/or SIGB when developing an emergency communications investment prior to submission to ensure the project supports the statewide strategy to improve emergency communications and is compatible and interoperable with surrounding systems. The investment name must include the words “emergency communications” to easily identify any emergency communications investments.
- All requested funding must be associated with specific projects. For each project, several pieces of information must be provided to submit the project for consideration in the application, including:
 - Project name;
 - Project description
 - Subrecipient name, if applicable;
 - Recipient type (e.g., state or local);
 - Project location (zip code of the primary location of the project);
 - Primary core capability the project supports;
 - Whether the project activities are shareable and deployable; and
 - Which National Priority Area (if any) the project supports.
- Projects should describe how the proposed investment supports closing capability gaps or sustaining capabilities identified in the THIRA/SPR process.
- FEMA encourages states to use any DHS provided assessments, such as those performed by DHS’s Protective Security Advisors and Cybersecurity Advisors, when developing their IJs.

V. **PRIORITY INVESTMENTS: UASI**

High-risk urban areas are encouraged to review the [Strategic Framework for Countering Terrorism and Targeted Violence](#) when developing investments.

- **Cybersecurity IJ (7.5 percent)**
At least one investment must be in support of the urban area’s cybersecurity efforts. The investment must meet or exceed the FY 2021 national priority percentage for cybersecurity and will also be subject to DHS/FEMA’s evaluation of the effectiveness of the proposed investments. Cybersecurity investments must support the security and

functioning of critical infrastructure and core capabilities as they relate to preventing, preparing for, protecting against, or responding to acts of terrorism. Recipients and subrecipients of FY 2021 HSGP awards will be required to complete the 2021 [Nationwide Cybersecurity Review](#), enabling agencies to benchmark and measure progress of improving their cybersecurity posture. The CIO, CISO or equivalent for each recipient should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 2- 3 hours to complete. The 2021 NCSR is estimated to be open from October – December 2021.

The NCSR is an annual requirement for recipients and subrecipients of HSGP funds. Additionally, FEMA recognizes that some subawards will not be issued until after the NCSR has closed. In such cases, such subrecipients will be required to complete the first available NCSR offered after the subaward has been issued by the pass-through entity. Although not required by SLTTs that did not receive HSGP funds, all SLTT agencies with preparedness responsibilities are highly encouraged to participate and complete the NCSR to evaluate their cybersecurity posture. For detailed information and background on the NCSR, please see [IB 439](#).

- **Soft Targets/Crowded Places IJ (5 percent)**

Soft targets and crowded places are increasingly appealing to terrorists and other extremist actors because of their relative accessibility and the large number of potential targets. This challenge is complicated by the prevalent use of simple tactics and less sophisticated attacks. Segments of our society are inherently open to the general public, and by nature of their purpose do not incorporate strict security measures. Given the increased emphasis by terrorists and other extremist actors to leverage less sophisticated methods to inflict harm in public areas, it is vital that the public and private sectors collaborate to enhance security of locations such as transportation centers, parks, restaurants, shopping centers, special event venues, and similar facilities.

Given the increased risk to soft targets and crowded places, at least one investment must be in support of the urban area's efforts to protect soft targets/crowded places. Additionally, the proposed investment must meet or exceed the FY 2021 national priority percentage for soft targets/crowded places and will also be subject to DHS/FEMA's evaluation of the effectiveness of the proposed investments. Additional resources and information regarding securing soft targets and crowded places are available through the [Cybersecurity and Infrastructure Security Agency](#).

- **Information and Intelligence Sharing and Cooperation IJ (5 percent)**

Effective homeland security operations rely on access to, analysis of, and timely sharing of open source, unclassified, and classified information, suspicious activity reports, tips/leads, and actionable intelligence on indicators and behaviors to accurately identify, assess, and mitigate a wide array of threats against the United States, including terrorism, threats to life, targeted violence, and other threats within the DHS mission space. Accordingly, DHS works diligently to enhance intelligence collection, integration, analysis, and information sharing capabilities to ensure partners, stakeholders, and senior

leaders receive actionable intelligence and information necessary to inform their decisions and operations. A critical and statutorily charged mission of DHS is to deliver intelligence and information to federal, state, local, and tribal governments and private sector partners. Cooperation and information sharing among state, federal, and local partners across all areas of the homeland security enterprise, including counterterrorism, – including both international and domestic terrorism, cybersecurity, transnational organized crime, economic security, border security, immigration enforcement, and other areas is critical to homeland security operations and the prevention of, preparation for, protection against, and responding to acts of terrorism, and other threats to life and criminal acts of targeted violence.

Given the importance of information sharing and collaboration to effective homeland security solutions, at least one investment must be in support of the urban area's efforts to enhance information sharing and cooperation with DHS and other federal agencies. As noted above, this requirement must include at least one dedicated fusion center project. Additional instructions on development of the fusion center project can be found below. Applicants must justify persuasively how they will contribute to the information sharing and collaboration purposes of the investment and a culture of national preparedness. Additionally, the proposed investment must meet or exceed the FY 2021 national priority percentage for information sharing and cooperation with DHS and will also be subject to DHS/FEMA's evaluation of the effectiveness of the proposed investments. Additional resources and information regarding collaboration and information sharing are available through the Department's [Office of Intelligence and Analysis](#).

- **Domestic Violent Extremism IJ (7.5 percent)**

As stated in the October 2020 DHS Homeland Threat Assessment, domestic violent extremists, including ideologically motivated lone offenders and small groups, present the most persistent and lethal terrorist threat to the Homeland. These violent extremists capitalize on social and political tensions, which have resulted in an elevated threat environment. They utilize social media platforms and other technologies to spread violent extremist ideologies that encourage violence and influence action within the United States. The COVID-19 pandemic has further created an environment that may lead to accelerated mobilization to targeted violence and/or radicalization to domestic terrorism, including driving lawful protests to incite violence, intimidate targets, and promote their violent extremist ideologies.

Given the rise of domestic violent extremism in recent years, at least one investment must be in support of the urban area's efforts to combat the rise, influence, and spread of domestic violent extremism. Additionally, the proposed investment must meet or exceed the FY 2021 national priority percentage for domestic violent extremism and will also be subject to DHS/FEMA's evaluation of the effectiveness of the proposed investments.

Please note that there currently is not a "Domestic Violent Extremism" Investment Type option in the GRT. Instead applicants should select the "Standard" Investment Type and clearly name the IJ as "Domestic Violent Extremism Priority Area" to ensure it is appropriately accounted for during FEMA's administrative and effectiveness reviews.

- **Emerging Threats IJ (5 percent)**

The spread of rapidly evolving and innovative technology, equipment, techniques, and knowledge presents new and emerging dangers for homeland security in the years ahead. Terrorists, criminal actors, and foreign adversaries continue to utilize open source and other technologies to spread misinformation and sow discord in the United States. These actors also remain intent on acquiring WMD capabilities, and rogue nations and non-state actors are aggressively working to develop, acquire, and modernize WMDs that they could use against the Homeland. Meanwhile, biological and chemical materials and technologies with dual use capabilities are more accessible throughout the global market. Due to the proliferation of such information and technologies, rogue nations and non-state actors have more opportunities to develop, acquire, and use WMDs than ever before. Similarly, the proliferation of UASs, artificial intelligence, and biotechnology increase opportunities of threat actors to acquire and use these capabilities against the United States and its interests.

Given the increased risk of these emerging threats, at least one investment must be in support of the urban area's efforts to address emerging threats. Additionally, the proposed investment must meet or exceed the FY 2021 national priority percentage for emerging threats and will also be subject to DHS/FEMA's evaluation of the effectiveness of the proposed investments. Additional resources and information regarding emerging threats are available through the [Countering Weapons of Mass Destruction Office](#) and the [Cybersecurity and Infrastructure Security Agency](#).

VI. DEVELOPMENT OF FUSION CENTER PROJECTS: SHSP AND UASI

If applicable, each applicant must identify a fusion center project that will:

- Indicate alignment to a designated Fusion Center;
- Provide both a brief narrative description and funding itemization for the proposed project activities that directly support the designated fusion center; and
- The descriptive narrative and the financial itemization should align improvement or sustainment requests with fusion center activities as they relate to the Fusion Center Performance Measures found in the [Preparedness Grants Manual](#).

Sample Fusion Center Funding Itemization

A sample project description and funding itemization are below. For the itemized projects, clearly identify the anticipated fusion center performance improvement or sustainment as a result of the proposed funding.

The X Fusion enhancement project will fund:

- *Salaries, benefits, and training for X number of Fusion Center intelligence analysts*
- *Travel costs associated with fusion center analyst training*
- *This project will directly sustain the Center's current capabilities and performance and directly aligns with performance measures 2021.XXX*
- *We anticipate seeing an improvement in the quality and quantity of analytic production and responses to requests for information as a direct result of the funding of this project*

The funding itemization for a fusion center project should include the amount and percent of each relevant solution area. As an example:

<i>Solution Area and Amount of Proposed Funding</i>	<i>Percent of Proposed Funding</i>
<i>Planning:</i> \$10,000	2%
<i>Organization:</i> \$200,000	48%
<i>Equipment:</i> \$200,000	48%
<i>Training:</i> \$10,000	2%
<i>Exercises:</i> \$0	0%
<i>Total:</i> \$420,000	100%

VII. COMPLETING IJS IN THE GRANT REPORTING TOOL (GRT): SHSP AND UASI

In the Related Documents section of the Grants.gov posting, applicants can find the IJ template and instructions for collecting the required information for investments and projects. Additionally, applicants should utilize the Project Worksheet located in Grants.gov posting to assemble the information required for each project, which will facilitate the input of that information into the GRT.

Applicants must ensure the appropriate National Priority Area “Investment Type” (*Overview Tab – Investment Information Section*) is selected for the corresponding National Priority Area (Cybersecurity, Soft Targets/Crowded Places, Information and Intelligence Sharing and Cooperation, and Emerging Threats). **Important note: there currently is not a “Domestic Violent Extremism” Investment Type option. Applicants should instead select the “Standard” Investment Type and clearly name the IJ as “Domestic Violent Extremism Priority Area” to ensure it is appropriately accounted for during FEMA’s administrative and effectiveness reviews.** All non-National Priority Area IJs should have the “Standard” Investment Type option selected.

VIII. DEVELOPMENT OF CONCEPT OF OPERATIONS FOR OPSG

As part of the FY 2021 OPSG application process, each eligible local unit of government at the county or federally recognized tribal government level must develop a strategic plan called a Concept of Operations (CONOP)/Application, which is a formal proposal of action to address a specific situation and forms the basis for Operations Orders, in coordination with state and federal law enforcement agencies, to include, but not limited to CBP/USBP. CONOPs that are developed at the county level should be inclusive of city, county, tribal, and other local law enforcement agencies that are eligible to participate in OPSG operational activities, and the CONOP/Application should describe participating agencies in the Executive Summary.

CONOP/Application details should include the names of the agencies, points of contact, and individual funding requests. All CONOPs/Applications must be developed in collaboration with the local USBP sector office, the SAA, and the local unit of government. Requests for funding in CONOPs/Applications must be based on risks and the operational enforcement support requirements of its corresponding USBP Sector, as well as the national priorities identified below. USBP Sector offices will forward the CONOPs to USBP Headquarters for

vetting and coordination. Applicants will forward corresponding OPSG Applications to the SAA for submission to FEMA. USBP Headquarters will reconcile all submitted CONOPs with the OPSG Applications. FEMA will review and evaluate all CONOPs and OPSG Applications and funding will be allocated based on the review and selection criteria identified in this NOFO.

OPSG Applicants will be required to clearly articulate and identify how the CONOPs will address the national priorities identified below.

- **Information and Intelligence Sharing and Cooperation**

Effective border security operations rely on access to, analysis of, and the timely sharing of open source, unclassified, and classified information, suspicious activity reports, tips/leads, and actionable intelligence on indicators and behaviors to accurately identify, assess, and mitigate a wide array of threats against the United States, including terrorism, threats to life, targeted violence, and other threats within the DHS mission space. Accordingly, DHS works diligently to enhance intelligence collection, integration, analysis, and information sharing capabilities to ensure partners, stakeholders, and senior leaders receive actionable intelligence and information necessary to inform their decisions and operations. One critical, statutorily required mission of DHS is to deliver intelligence and information to federal, state, local, and tribal governments and private sector partners. Cooperation and information sharing among state, federal, and local partners across all areas of the homeland security enterprise, including both international and domestic terrorism, cybersecurity, transnational organized crime, economic security, border security, immigration enforcement, and other areas is critical to homeland security operations and the prevention of, preparation for, protection against, and responding to acts of terrorism, and other threats to life and criminal acts of targeted violence.

Given the importance of information sharing and collaboration to effective homeland security solutions, the CONOP must support the recipient's efforts to enhance information sharing and cooperation with DHS and other federal agencies. Applicants must justify persuasively how they will contribute to the information sharing and collaboration purposes of the OPSG program and a culture of national preparedness. Additional resources and information regarding collaboration and information sharing are available through the Department's Office of Intelligence and Analysis.

- **Emerging Threats**

The spread of rapidly evolving and innovative technology, equipment, techniques, and knowledge presents new and emerging dangers for homeland security in the years ahead. Terrorists, criminal actors, and foreign adversaries continue to utilize open source and other technologies to spread misinformation and sow discord in the United States. These actors also remain intent on acquiring WMD capabilities, and rogue nations and non-state actors are aggressively working to develop, acquire, and modernize WMDs that they could use against the Homeland. Meanwhile, biological and chemical materials and technologies with dual use capabilities are more accessible throughout the global market. Due to the proliferation of such information and technologies, rogue nations and non-state actors have more opportunities to develop, acquire, and use WMDs

than ever before. Similarly, the proliferation of UASs, artificial intelligence, and biotechnology increase opportunities of threat actors to acquire and use these capabilities against the United States and its interests.

Given the increased risk of these emerging threats, the CONOP must be in support of the recipient's efforts to address emerging threats. Additional resources and information regarding emerging threats are available through the [Countering Weapons of Mass Destruction Office](#) and the [Cybersecurity and Infrastructure Security Agency](#).

IX. DETAILED Budget

Applicants must provide budget summary worksheets for all funds requested at the time of application. The budget summary worksheets must be complete, reasonable, and cost-effective in relation to the proposed project and should provide the basis of computation of all project-related costs (including management and administrative costs) and any appropriate narrative. FEMA must be able to thoroughly evaluate the projects being submitted based on the information provided. FEMA must be able to determine how much funding is being passed through to subrecipients for each sub-program (UASI, SHSP, OPSG). Consequently, applicants must provide an appropriate level of detail within the budget summary worksheets to clarify what will be purchased and spent. Sample budget summary worksheets are available on the grants.gov posting for the HSGP in the Related Documents tab and may be used as a guide to assist applicants in the preparation of budgets and budget narratives.

11. Other Submission Requirements

Emergency Communications Investments

If an entity uses HSGP funding to support emergency communications investments, the applicant must describe in the investment how proposed communications investments align to needs identified in their SCIP. Effective project alignment will require advance coordination with the SWIC and consultation with governing bodies such as the SIGB or Statewide Interoperability Executive Committee (SIEC), as they serve as the primary steering group for the statewide interoperability strategy. Additionally, recipients should consult subject matter experts serving on governance bodies, such as broadband experts, chief information officers, representatives from utilities, or legal and financial experts, when developing proposals.

12. Intergovernmental Review

An intergovernmental review may be required. Applicants must contact their state's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372 (See <https://www.archives.gov/federal-register/codification/executive-order/12372.html>; <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>).

13. Funding Restrictions and Allowable Costs

All costs charged to awards covered by this NOFO must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements at 2 C.F.R. Part 200, unless otherwise indicated in the NOFO, the terms and conditions of the award, or the Preparedness Grants Manual. This includes, among other requirements, that costs must be

incurred, and products and services must be delivered, within the period of performance of the award. *See* 2 C.F.R. § 200.403(h) (referring to budget periods, which for FEMA awards under this program is the same as the period of performance).

Federal funds made available through this award may be used for the purpose set forth in this NOFO, the [Preparedness Grants Manual](#), and the terms and conditions of the award and must be consistent with the statutory authority for the award. Award funds may not be used for matching funds for any other federal awards, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the Federal Government or any other government entity. See the [Preparedness Grants Manual](#) for more information on funding restrictions and allowable costs.

a. *Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services*

Recipients and subrecipients of FEMA federal financial assistance are subject to the prohibitions described in section 889 of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019 \(FY 2019 NDAA\)](#), Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.326, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to FEMA recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Additional guidance is available in FEMA Policy #405-143-1 [Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services \(Interim\)](#).

Effective August 13, 2020, FEMA recipients and subrecipients **may not** use any FEMA funds under open or new awards to:

- (1) Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
- (2) Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system; or
- (3) Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

I. REPLACEMENT EQUIPMENT AND SERVICES

FEMA grant funding may be permitted to procure replacement equipment and services impacted by this prohibition, provided the costs are otherwise consistent with the requirements of the NOFO and the [Preparedness Grants Manual](#).

II. DEFINITIONS

Per section 889(f)(2)-(3) of the FY 2019 NDAA and 2 C.F.R. § 200.216, covered telecommunications equipment or services means:

- i. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities);
- ii. For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
- iii. Telecommunications or video surveillance services provided by such entities or using such equipment; or
- iv. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People's Republic of China.

Examples of the types of products covered by this prohibition include phones, internet, video surveillance, and cloud servers when produced, provided, or used by the entities listed in the definition of “covered telecommunications equipment or services.” *See* 2 C.F.R. § 200.471.

b. *Pre-Award Costs*

Pre-award costs are allowable only with the prior written approval of DHS/FEMA and as included in the award agreement. To request pre-award costs, a written request must be included with the application, signed by the AOR of the entity. The letter must outline what the pre-award costs are for, including a detailed budget break-out of pre-award costs from the post-award costs, and a justification for approval.

c. *Management and Administration (M&A) Costs*

Management and administration (M&A) activities are those directly relating to the management and administration of HSGP funds, such as financial management and monitoring. A maximum of up to five percent of HSGP funds awarded may be retained by the state, and any funds retained are to be used solely for M&A purposes associated with the HSGP award. Subrecipients may also retain a maximum of up to five percent of the funding passed through by the state solely for M&A purposes associated with the HSGP award.

Recipients or subrecipients may apply or credit M&A funding toward the recipient's requirement to allocate funding toward the five National Priority Areas. For example, if a recipient spends \$5,000 to manage or administer its funding dedicated toward its enhancing cybersecurity investment, the recipient may credit that funding toward its requirement to allocate at least 7.5 percent of its award to the enhancing cybersecurity National Priority Area.

A state's HSGP funds for M&A calculation purposes includes the total of its SHSP, UASI, and OPSG awards. While the SAA may retain up to five percent of this total for M&A, the state must still ensure that all subrecipient award amounts meet the mandatory minimum pass-through requirements that are applicable to each HSGP program. To meet this requirement, the percentage of SHSP and UASI funds passed through to local or tribal jurisdictions must be based on the state's total HSGP award prior to withholding any M&A.

In retaining these funds, states may retain a maximum of 2.5 percent of the OPSG allocation, which must be withheld from the pass-through to each subrecipient county or tribe in an equal percentage. The SAA may also retain additional funding from its SHSP award to manage and administer the OPSG award, but that additional amount is also capped at an amount equal to 2.5 percent of the OPSG award. Examples applying this principle:

SAA 1:

SHSP: \$1,000,000 OPSG: \$2,500,000 UASI: \$2,500,000

M&A Maximum: \$300,000 (5 percent of \$6,000,000)

Maximum M&A for SHSP = \$50,000

Maximum M&A for OPSG = \$125,000. Of that amount, \$62,500 (2.5 percent) may be retained from the OPSG allocation, and the other \$62,500 would come from the SHSP allocation. Any amount used to manage and administer OPSG that is charged to SHSP may be above and beyond the \$50,000 available to manage the SHSP allocation.

Maximum M&A for UASI = \$125,000

SAA 2:

SHSP: \$3,500,000 OPSG: \$1,000,000

M&A Maximum: \$225,000 (5 percent of \$4,500,000)

Maximum M&A for SHSP = \$175,000

Maximum M&A for OPSG = \$50,000. Of that amount, \$25,000 (2.5 percent) may be retained from the OPSG allocation, and the other \$25,000 would come from the SHSP allocation. Any amount used to manage and administer OPSG that is charged to SHSP may be above and beyond the \$175,000 available to manage the SHSP allocation.

HSGP recipients are also reminded that any M&A charged to a recipient's or subrecipient's UASI funding must be directly allocable to administration of the UASI grant program and cannot be used to cover M&A costs that are directly allocable to SHSP or OPSG funding. Similarly, any M&A charged to a recipient's or subrecipient's SHSP or OPSG funding cannot be used to cover M&A costs directly allocable to UASI funding.

Additionally, if a state/territory receives Nonprofit Security Grant Program (NSGP) funding, it may use SHSP M&A funding to cover M&A costs related to the management of NSGP-State awards, and UASI M&A funding to cover M&A costs related to the management of NSGP-Urban Area awards.

Please note, [IB 365: Management and Administration Costs in the Homeland Security Grant Program](#) and DHS/FEMA [Policy 207-087-1](#) **do not apply to awards made in FY 2021 under this NOFO**. Please also reference [IB 416](#) for additional clarification on OPSG M&A,

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but to the extent that there is any conflict between IB 416 and this NOFO, the requirements of this NOFO will apply to FY 2021 awards made under this NOFO.

d. *Indirect Facilities & Administrative (F&A) Costs*

Indirect costs are allowable under this program as described in 2 C.F.R. Part 200, including 2 C.F.R. § 200.414. Applicants with a current negotiated indirect cost rate agreement that desire to charge indirect costs to an award must provide a copy of their negotiated indirect cost rate agreement at the time of application. Not all applicants are required to have a current negotiated indirect cost rate agreement. Applicants that are not required by 2 C.F.R. Part 200 to have a negotiated indirect cost rate agreement but are required by 2 C.F.R. Part 200 to develop an indirect cost rate proposal must provide a copy of their proposal at the time of application. Applicants who do not have a current negotiated indirect cost rate agreement (including a provisional rate) and wish to charge the de minimis rate must reach out to the FEMA Grants Management Specialist for further instructions. Applicants who wish to use a cost allocation plan in lieu of an indirect cost rate must also reach out to the FEMA Grants Management Specialist for further instructions. Post-award requests to charge indirect costs will be considered on a case-by-case basis and based upon the submission of an agreement or proposal as discussed above or based upon the de minimis rate or cost allocation plan, as applicable.

f. *Funds Transfer Restriction*

The recipient is prohibited from transferring funds between programs (includes SHSP, UASI, and OPSG). Recipients can submit an investment/project where funds come from multiple funding sources (e.g., SHSP and UASI), however, recipients are not allowed to divert funding from one program to another due to the risk-based funding allocations, which were made at the discretion of DHS/FEMA.

e. *Other Direct Costs*

I. PLANNING

Planning costs are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information.

II. ORGANIZATION

Organization costs are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information.

III. EQUIPMENT

Equipment costs are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information.

• General Purpose Equipment

HSGP allows expenditures on general purpose equipment if it aligns to and supports one or more core capabilities identified in the Goal and has a nexus to terrorism preparedness. General purpose equipment, like all equipment funded under the HSGP, must be sharable

through the EMAC² and allowable under 6 U.S.C. § 609, and any other applicable provision of the *Homeland Security Act of 2002*, as amended. Examples of such general-purpose equipment may include:

- Law enforcement vehicles;
- Emergency medical services (EMS) equipment and vehicles;
- Fire service equipment and vehicles, to include hose, pump accessories, and foam concentrate for specialized CBRNE response;
- Interoperability of data systems, such as computer aided dispatch (CAD) and record management systems (RMS); and
- Office equipment for staff³ engaged in homeland security program activity.

- **Controlled Equipment**

For decades, the federal government has provided equipment to state, local, and tribal law enforcement agencies (LEAs) through federal grants. Some federal grant programs have assisted LEAs as they carry out their critical missions to keep the American people safe. The equipment acquired by LEAs through these programs includes administrative equipment, such as office furniture and computers. Some federal grant programs also may include military and military-styled equipment, firearms, and tactical vehicles provided by the federal government, including property covered under 22 C.F.R. Part 121 and 15 C.F.R. Part 774 (collectively, "controlled equipment").

However, not all equipment that is considered controlled equipment is allowable under the HSGP. As discussed further below, there are certain "prohibited equipment" that are not allowable under HSGP. And for the procurement of certain controlled equipment that is allowable under the HSGP, there are additional submission requirements and reviews that must be met before DHS/FEMA will permit funding to be used for this purpose.

DHS/FEMA will continue to collaborate with federal agency partners to ensure that there is a consistent and reasonable approach to the restrictions placed on controlled equipment expenditures while continuing to support these investments when there is a justifiable need. Further, DHS/FEMA will continue to maintain an awareness of the evolving policy developments related to controlled equipment expenditures and keep grant recipients up to date on future developments.

Grant funds under this program may not be used for the purchase of equipment not approved by DHS/FEMA. The purchase of weapons and weapons accessories, including ammunition, is not allowed with HSGP funds. Grant funds under this program must also comply with [IB 426](#) and may not be used for the purchase of the following equipment: 1) firearms; 2)

² Except for American Samoa and the Commonwealth of the Northern Mariana Islands, which are not required to belong to EMAC at this time.

³ This applies to all homeland security personnel and is not limited to M&A staff, and costs are to be captured outside the cap on M&A costs

ammunition; 3) grenade launchers; 4) bayonets; or 5) weaponized aircraft, vessels, or vehicles of any kind with weapons installed.

IV. TRAINING

Training costs are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information.

V. EXERCISES

Exercise costs are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information.

VI. PERSONNEL

Personnel hiring, overtime, and backfill expenses are permitted under this grant to perform allowable HSGP planning, organization, training, exercise, and equipment activities. Under OPSG, overtime costs are allowable only in so far as they meet the intent of the program. All recipients and subrecipients of HSGP funds, including SHSP, UASI, and OPSG allocations, may not use more than 50 percent of their awards to pay for personnel activities unless a waiver is approved by FEMA. For more information on the 50 percent personnel cap, please see FEMA [IB 421b](#), Clarification on the *Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act of 2008* (Public Law 110-412) – the PRICE Act. Please see the [Preparedness Grants Manual](#) for more information.

VII. OPERATIONAL OVERTIME

Operational overtime costs are allowed under this program. Prior to use of funds for operational overtime, recipients must receive approval from DHS/FEMA. Operational overtime costs are also subject to the 50 percent personnel cap. Please see the [Preparedness Grants Manual](#) for more information.

VIII. TRAVEL

Domestic travel costs are allowed under this program, as provided for in this NOFO and in the [Preparedness Grants Manual](#). International travel is not an allowable cost under this program unless approved in advance by DHS/FEMA.

IX. CONSTRUCTION AND RENOVATION

Construction and renovation costs to achieve capability targets related to preventing, preparing for, protecting against, or responding to acts of terrorism are allowed under this program. For construction and renovation costs to be allowed, they must be specifically approved by DHS/FEMA in writing prior to the use of any program funds. Applicants must use the Environmental Planning and Historical Preservation (EHP) approval process. Limits on the total amount of grant funding that may be used for construction or renovation may apply. Additionally, recipients are required to submit [SF-424C and SF-424D](#). Please see the [Preparedness Grants Manual](#) for more information.

X. MAINTENANCE AND SUSTAINMENT

Maintenance- and sustainment-related costs, such as maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees, are allowable. Please see the

[Preparedness Grants Manual](#) for more information.

XI. CRITICAL EMERGENCY SUPPLIES

Critical emergency supplies are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information.

XII. SECURE IDENTIFICATION

Secure Identification costs are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information.

Allowable Cost Matrix

The following matrix provides allowable cost activities that fall under each of the cost categories noted above. Recipients and subrecipients must follow all applicable requirements in 2 C.F.R. Part 200 *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. HSGP funds may be used to cover the costs for evaluating the impact of these grants on the state or urban area's core capabilities and capability gaps. This list is not exhaustive, therefore, if there are any questions regarding allowable costs, please contact the appropriate HQ FEMA Preparedness Officer. For additional information on allowable costs, see the [Preparedness Grants Manual](#).

Allowable Program Activities	SHSP	UASI	OPSG
Allowable Planning Costs			
Developing hazard/threat-specific annexes	Y	Y	N
Developing and implementing homeland security support programs and adopting ongoing DHS/FEMA national initiatives	Y	Y	N
Developing related terrorism and other catastrophic event prevention activities	Y	Y	N
Developing and enhancing plans and protocols	Y	Y	N
Developing or conducting assessments	Y	Y	N
Hiring of full- or part-time staff or contract/consultants to assist with planning activities	Y	Y	N
Materials required to conduct planning activities	Y	Y	N
Travel/per diem related to planning activities	Y	Y	Y
Overtime and backfill costs (in accordance with operational Cost Guidance)	Y	Y	Y
Issuance of Western Hemisphere Travel Initiative-compliant Tribal identification cards	Y	N	N
Activities to achieve planning inclusive of people with disabilities and others with access and functional needs and limited English proficiency.	Y	Y	N
Coordination with Citizen Corps Councils for public information/education and development of volunteer programs	Y	Y	N
Update governance structures and processes and plans for emergency communications	Y	Y	N
Development, and review and revision of continuity of operations plans	Y	Y	N
Development, and review and revision of the THIRA/SPR continuity of operations plans	Y	Y	N
Allowable Organizational Activities			
Note: Personnel hiring, overtime, and backfill expenses are permitted under this grant only to the extent that such expenses are for the allowable activities within the scope of the grant.			
Program management	Y	Y	N
Development of whole community partnerships	Y	Y	N
Structures and mechanisms for information sharing between the public and private sector	Y	Y	N

Allowable Program Activities	SHSP	UASI	OPSG
Implementing models, programs, and workforce enhancement initiatives	Y	Y	N
Tools, resources, and activities that facilitate shared situational awareness between the public and private sectors	Y	Y	N
Operational support	Y	Y	N
Utilization of standardized resource management concepts	Y	Y	N
Responding to an increase in the threat level under the National Terrorism Advisory System (NTAS), or needs in resulting from a National Special Security Event	Y	Y	N
Reimbursement for select operational expenses associated with increased security measures at critical infrastructure sites incurred (up to 50 percent of the allocation)	Y	Y	Y
Overtime for information, investigative, and intelligence sharing activities (up to 50 percent of the allocation)	Y	Y	Y
Hiring of new staff positions/contractors/consultants for participation in information/intelligence analysis and sharing groups or fusion center activities (up to 50 percent of the allocation).	Y	Y	Y
Cost of migrating online services to the “.gov” domain	Y	Y	N
Allowable Equipment Categories			
Personal Protective Equipment	Y	Y	Y
Allowable Equipment Categories			
Explosive Device Mitigation and Remediation Equipment	Y	Y	N
CBRNE Operational Search and Rescue Equipment	Y	Y	N
Information Technology	Y	Y	Y
Cybersecurity Enhancement Equipment	Y	Y	N
Interoperable Communications Equipment	Y	Y	Y
Detection	Y	Y	Y
Decontamination	Y	Y	N
Medical countermeasures	Y	Y	Y
Power (e.g., generators, batteries, power cells)	Y	Y	Y
CBRNE Reference Materials	Y	Y	N
CBRNE Incident Response Vehicles	Y	Y	N
Terrorism Incident Prevention Equipment	Y	Y	Y
Physical Security Enhancement Equipment	Y	Y	Y
Inspection and Screening Systems	Y	Y	Y
Animal Care and Foreign Animal Disease	Y	Y	N
CBRNE Prevention and Response Watercraft	Y	Y	N
CBRNE Prevention and Response Unmanned Aircraft	Y	Y	N
CBRNE Aviation Equipment	Y	Y	N
CBRNE Logistical Support Equipment	Y	Y	N
Intervention Equipment (e.g., tactical entry, crime scene processing)	Y	Y	Y
Critical emergency supplies	Y	Y	N
Vehicle acquisition, lease, and rental	N	N	Y
Other Authorized Equipment	Y	Y	Y
Allowable Training Costs			
Overtime and backfill for emergency preparedness and response personnel attending DHS/FEMA-sponsored and approved training classes	Y	Y	N
Overtime and backfill expenses for part-time and volunteer emergency response personnel participating in DHS/FEMA training	Y	Y	N
Training workshops and conferences	Y	Y	Y
Activities to achieve training inclusive of people with disabilities and others with access and functional needs and limited English proficiency	Y	Y	N
Full- or part-time staff or contractors/consultants	Y	Y	Y
Travel	Y	Y	Y

Allowable Program Activities	SHSP	UASI	OPSG
Supplies	Y	Y	N
Instructor certification/re-certification	Y	Y	N
Coordination with Citizen Corps Councils in conducting training exercises	Y	Y	N
Interoperable communications training	Y	Y	N
Activities to achieve planning inclusive of people with limited English proficiency	Y	Y	N
Immigration enforcement training	Y	Y	Y
Allowable Exercise Related Costs			
Design, Develop, Conduct, and Evaluate an Exercise	Y	Y	N
Full- or part-time staff or contractors/consultants	Y	Y	N
Overtime and backfill costs, including expenses for part-time and volunteer emergency response personnel participating in DHS/FEMA exercises	Y	Y	N
Implementation of HSEEP	Y	Y	N
Activities to achieve exercises inclusive of people with disabilities and others with access and functional needs	Y	Y	N
Travel	Y	Y	N
Supplies	Y	Y	N
Interoperable communications exercises	Y	Y	N
Allowable Exercise Related Costs			
Activities to achieve planning inclusive of people with limited English proficiency	Y	Y	N
Allowable M&A Costs			
Hiring of full- or part-time staff or contractors/consultants to assist with the management of the respective grant program, application requirements, and compliance with reporting and data collection requirements	Y	Y	Y
Development of operating plans for information collection and processing necessary to respond to DHS/FEMA data calls	Y	Y	Y
Overtime and backfill costs	Y	Y	Y
Travel	Y	Y	Y
Meeting related expenses	Y	Y	Y
Authorized office equipment	Y	Y	Y
Recurring expenses such as those associated with cell phones and faxes during the period of performance of the grant program	Y	Y	N
Leasing or renting of space for newly hired personnel during the period of performance of the grant program	Y	Y	N
LETPA Costs			
Integration and interoperability of systems and data, such as CAD and RMS, to facilitate the collection,	Y	Y	N
Maturation, enhancement, and sustainment of designated state and major Urban Area fusion centers	Y	Y	N
Coordination between fusion centers and other operational analytic, and investigative efforts	Y	Y	N
Implementation, maintenance, and sustainment of the Nationwide Suspicious Activity Reporting Initiative	Y	Y	N
Implementation of the "If You See Something, Say Something®" campaign	Y	Y	N
Increase physical security, through law enforcement personnel and other protective measures, by implementing preventive and protective measures at critical	Y	Y	N
Building and sustaining preventive radiological and nuclear detection capabilities	Y	Y	N

E. Application Review Information

1. Application Evaluation Criteria

a. Programmatic Criteria

I. RISK METHODOLOGY

The risk methodology determines the relative risk of terrorism faced by a given area considering the potential risk of terrorism to people, critical infrastructure, and economic security. The analysis includes, but is not limited to, threats from violent domestic extremists, international terrorist groups, and individuals inspired by terrorists abroad. See the [Preparedness Grants Manual](#) for additional information on the risk methodology.

NOTE: The THIRA/SPR process is separate from the risk methodology and its results do not affect grant allocations.

The Risk Methodology is used to inform allocations under HSGP. For more information on the SHSP, UASI, and OPSG allocation processes, please see Section B.1 of this NOFO, “Available Funding for the NOFO.”

II. APPLICATION EVALUATION CRITERIA

FEMA will evaluate the FY 2021 HSGP applications for completeness, adherence to programmatic guidelines, and anticipated effectiveness of the proposed investments. FEMA’s review will include verification that each IJ and project:

- Aligns with at least one core capability identified in the Goal;
- Demonstrates how investments support closing capability gaps or sustaining capabilities identified in the THIRA/SPR process; and
- Supports a NIMS-typed resource and whether those assets are deployable/shareable to support emergency or disaster operations per existing EMAC agreements.

In addition to the above, FEMA will evaluate whether proposed projects are: 1) both feasible and effective at reducing the risks for which the project was designed; and 2) able to be fully completed within the three-year period of performance. FEMA will use the information provided in the application and after the submission of the first BSIR to determine the feasibility and effectiveness of a grant project. To that end, IJs should include:

- An explanation of how the proposed project(s) will achieve objectives as identified in the SPR, including expected long-term impact where applicable, and which core capability gap(s) it helps to close and how;
- A summary of the status of planning and design efforts accomplished to date (e.g., included in a capital improvement plan); and
- A project schedule with clear milestones.

Recipients are expected to conform, as applicable, with accepted engineering practices, established codes, standards, modeling techniques, and best practices, and participate in the development of case studies demonstrating the effective use of grant funds, as requested.

FEMA will also review any submitted National Priority Area-aligned IJs and projects to ensure they meet the minimum spend requirement. Further information on how the National Priority Area IJs and projects will be reviewed for effectiveness is included in the Review and Selection Process section below.

b. *Financial Integrity Criteria*

Prior to making a federal award, FEMA is required by 31 U.S.C. § 3354, as amended by the Payment Integrity Information Act of 2019, Pub. L. No. 116-117 (2020); 41 U.S.C. § 2313; and 2 C.F.R. § 200.206 to review information available through any Office of Management and Budget (OMB)-designated repositories of governmentwide eligibility qualification or financial integrity information, including whether the applicant is suspended or debarred. FEMA may also pose additional questions to the applicant to aid in conducting the pre-award risk review. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant:

- i. Financial stability.
- ii. Quality of management systems and ability to meet management standards.
- iii. History of performance in managing federal award.
- iv. Reports and findings from audits.
- v. Ability to effectively implement statutory, regulatory, or other requirements.

c. *Supplemental Financial Integrity Criteria and Review*

Prior to making a federal award where the anticipated total federal share will be greater than the simplified acquisition threshold, currently \$250,000:

- i. FEMA is required to review and consider any information about the applicant, including information on the applicant's immediate and highest-level owner, subsidiaries, and predecessors, if applicable, that is in the designated integrity and performance system accessible through the System for Award Management (SAM), which is currently the [Federal Awardee Performance and Integrity Information System](#) (FAPIIS).
- ii. An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.
- iii. FEMA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

2. Review and Selection Process

a. *SHSP and UASI*

All proposed investments will undergo a federal review by DHS/FEMA to verify compliance with all administrative and eligibility criteria identified in the NOFO. The federal review will be conducted by FEMA HQ Preparedness Officers. FEMA HQ Preparedness Officers will use a checklist to verify compliance with all administrative and eligibility criteria identified in the NOFO. Recipients must be able to demonstrate how investments support closing capability gaps or sustaining capabilities identified in the THIRA/SPR process. IJs will be reviewed at both the investment and project level.

Emergency communications investments will be jointly reviewed by FEMA and the DHS Office of Emergency Communications (OEC) to verify compliance with SAFECOM guidance. FEMA and OEC will coordinate directly with the recipient on any compliance concerns and will provide technical assistance as necessary to help ensure full compliance.

Additional Effectiveness Evaluation Criteria for the National Priority Areas

FEMA will evaluate the FY 2021 HSGP IJs and projects submitted in support of the National Priority Areas for anticipated effectiveness. FEMA's review will include verification that each IJ or project meets the National Priority Area required spend percentages.

Cybersecurity investments will be reviewed by DHS/FEMA, CISA, and other DHS components as appropriate, for compliance with purposes and requirements of the priority investment area. Proposed investments will be reviewed for effectiveness using the criteria set forth in this NOFO.

Soft Targets/Crowded Places investments will be reviewed by DHS/FEMA, CISA, and other DHS components as appropriate, for compliance with purposes and requirements of the priority investment area. Proposed investments will be reviewed for effectiveness using the criteria set forth in this NOFO.

Information Sharing and Cooperation Investments will be reviewed by DHS/FEMA, DHS Office of Intelligence and Analysis, and other DHS components as appropriate, for compliance with purposes and requirements of the priority investment area. Proposed investments will be reviewed for effectiveness using the criteria set forth in this NOFO.

For additional information on Fusion Center requirements, please see the [Preparedness Grants Manual](#).

Domestic violent extremism investments will be reviewed by DHS/FEMA, DHS Office of Intelligence and Analysis, and other DHS components as appropriate, for compliance with purposes and requirements of the priority investment area. Proposed investments will be reviewed for effectiveness using the scoring criteria set forth in this NOFO.

Emerging threats investments will be reviewed by DHS/FEMA, DHS Countering Weapons of Mass Destruction Office, and other DHS components as appropriate, for compliance with purposes and requirements of the priority investment area. Proposed investments will be reviewed for effectiveness using the criteria set forth in this NOFO.

FEMA will determine whether the proposed approach is clear, logical, and reasonable to address the priority areas of interest and contribute to a culture of national preparedness. This part considers factors such as the objectives and strategies proposed to address the priority area, how the objectives and strategies overcome legal, political, or practical obstacles to reduce overall risk, the process and criteria to select additional relevant projects, and the approach to monitor awards to satisfy the funding percentage allocations.

For applicants that elect to submit IJs and project-level details for the National Priority Areas at the time of application, effectiveness will be evaluated prior to award. If the projects are found to not sufficiently align with the National Priority Area(s), applicants may have funds placed on hold (up to 30 percent) until the projects are revised to satisfactorily address the National Priority Areas.

For applicants that elect to submit IJs and project-level details for the National Priority Areas as part of the December 2021 BSIR, they will have funds placed on hold in the amount of 30 percent (the sum of all National Priority Area). The hold will be released only after their December 2021 BSIR submission has been reviewed, and projects related to the National Priority Areas deemed in alignment by DHS/FEMA.

SAAs are still required to meet pass-through requirements even if funds are on hold related to the National Priority Areas.

To that end, IJs should include:

- How the proposed investment addresses the National Priority Area;
- An explanation of how the proposed projects were selected and will achieve objectives and strategies to build or sustain the core capability gaps identified in the SPR, including expected long-term impact where applicable;
- A summary of laws, policies and practices that can be enhanced, eliminated, or otherwise changed in order to achieve the goals of the project and foster a culture of national preparedness; and
- A summary of the collaboration efforts to prevent, prepare for, protect against, and respond to acts of terrorism as well as anticipated outcomes of the project.

For FY 2021 SHSP and UASI investments and projects related to the National Priority Areas, effectiveness will be evaluated based on the following five factors:

- Investment Strategy (30%): Proposals will be evaluated based on the quality and extent to which applicants describe an effective strategy that demonstrates that proposed projects support the program objective of preventing, preparing for, protecting against, and responding to acts of terrorism, to meet its target capabilities, and otherwise reduce the overall risk to the high-risk urban area, the state, or the Nation.
- Budget (10%): Proposals will be evaluated based on the extent to which applicants describe a budget plan for each investment demonstrating how the applicant will maximize cost effectiveness of grant expenditures.
- Impact/Outcomes (30%): Proposals will be evaluated on how this investment helps the jurisdiction close capability gaps identified in its SPR and addresses the relevant National Priority Area outlined in this NOFO. Further, proposals will be evaluated on their identification and estimated improvement of core capability(ies), the associated standardized target(s) that align with their proposed investment, and the ways in which the applicant will measure and/or evaluate improvement.

- Collaboration (30%): Proposals will be evaluated based on the degree to which the proposal adequately details how the recipient will use investments and other means to overcome existing logistical, technological, legal, policy, and other impediments to collaborating, networking, sharing information, cooperating, and fostering a culture of national preparedness with federal, state, tribal, and local governments, as well as other regional and nonprofit partners. Collaboration should improve efforts to prevent, prepare for, protect against, and respond to acts of terrorism, to meet target capabilities, support the national security mission of DHS and other federal agencies, and to otherwise reduce the overall risk to the high-risk urban area, the state, or the Nation. In evaluating applicants under this factor FEMA will consider the information provided by the applicant and may also consider relevant information from other sources.
- Past Performance (additional consideration): Proposals will be evaluated based on the applicants demonstrated capability to execute the proposed investments. In evaluating applicants under this factor FEMA will consider the information provided by the applicant and may also consider relevant information from other sources.

b. OPSG

Applications will be reviewed by the SAA and USBP Sector Headquarters for completeness and adherence to programmatic guidelines and evaluated for anticipated feasibility, need, and impact of the Operations Orders. For more information on Operations Orders and other requirements of OPSG, see the [Preparedness Grants Manual](#).

DHS/FEMA will verify compliance with all administrative and eligibility criteria identified in the NOFO and required submission of Operations Orders and Inventory of Operations Orders by the established due dates. DHS/FEMA and USBP will use the results of both the risk analysis and the federal review by DHS/FEMA to make recommendations for funding to the Secretary of Homeland Security.

FY 2021 OPSG funds will be allocated competitively based on risk-based prioritization using the OPSG Risk Assessment described above. Final funding allocations are determined by the Secretary of Homeland Security, who may consider information and input from various law enforcement offices or subject-matter experts within the Department. Factors considered include, but are not limited to threat, vulnerability, miles of the border, and other border-specific law enforcement intelligence, as well as the feasibility of FY 2021 Operations Orders to designated localities within border states and territories.

F. Federal Award Administration Information

1. Notice of Award

Before accepting the award, the AOR and recipient should carefully read the award package. The award package includes instructions on administering the grant award and the terms and conditions associated with responsibilities under federal awards. **Recipients must accept all conditions in this NOFO and the [Preparedness Grants Manual](#) as well as any specific terms and conditions in the Notice of Award to receive an award under this program.**

See the [Preparedness Grants Manual](#) for information on Notice of Award.

2. Pass-Through Requirements

Awards made to the SAA for HSGP carry additional pass-through requirements. Pass-through is defined as an obligation on the part of the SAA to make funds available to local units of government, combinations of local units, tribal governments, or other specific groups or organizations. Four requirements must be met to pass-through grant funds:

- The SAA must make a firm written commitment to passing through grant funds to subrecipients;
- The SAA's commitment must be unconditional (i.e., no contingencies for the availability of SAA funds);
- There must be documentary evidence (i.e., award document, terms, and conditions) of the commitment; and
- The award terms must be communicated to the subrecipient.

Timing and Amount

The SAA must pass-through at least 80 percent of the funds awarded under the SHSP and UASI to local or tribal units of government within 45 calendar days of receipt of the funds. "Receipt of the funds" occurs either when the SAA accepts the award or 15 calendar days after the SAA receives notice of the award, whichever is earlier.

SAAs are sent notification of HSGP awards via the GPD's ND Grants system. If an SAA accepts its award within 15 calendar days of receiving notice of the award in the ND Grants system, the 45-calendar days pass-through period will start on the date the SAA accepted the award. Should an SAA not accept the HSGP award within 15 calendar days of receiving notice of the award in the ND Grants system, the 45-calendar days pass-through period will begin 15 calendar days after the award notification is sent to the SAA via the ND Grants system.

It is important to note that the period of performance start date does not directly affect the start of the 45-calendar days pass-through period. For example, an SAA may receive notice of the HSGP award on September 20, 2021, while the period of performance dates for that award are October 1, 2021, through September 30, 2024. In this example, the 45-day pass-through period will begin on the date the SAA accepts the HSGP award or October 5, 2021 (15 calendar days after the SAA was notified of the award), whichever date occurs first. The period of performance start date of October 1, 2021 would not affect the timing of meeting the 45-calendar day pass-through requirement.

Other SHSP and UASI Pass-Through Requirements

The signatory authority of the SAA must certify in writing to DHS/FEMA that pass-through requirements have been met. A letter of intent (or equivalent) to distribute funds is not considered sufficient. The pass-through requirement does not apply to SHSP awards made to the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, or the Commonwealth of the Northern Mariana Islands. The Commonwealth of Puerto Rico is required to comply with the pass-through requirement, and its SAA must also obligate at least 80 percent of the funds to local units of government within 45 calendar days of receipt of the funds.

Under SHSP, the SAA may retain more than 20 percent of funding for expenditures made by the state on behalf of the local unit(s) of government. This may occur only with the written consent of the local unit of government, specifying the amount of funds to be retained and the intended use of funds. States shall review their written consent agreements yearly and ensure that they are still valid. If a written consent agreement is already in place from previous fiscal years, DHS/FEMA will continue to recognize it for FY 2021, unless the written consent review indicates the local government is no longer in agreement. If modifications to the existing agreement are necessary, the SAA should contact their assigned FEMA HQ Preparedness Officer.

Additional OPSG Requirements

The recipient is prohibited from obligating or expending funds provided through this award until each unique and specific county-level or equivalent Operational Order/Fragmentary Operations Order budget has been reviewed and approved through an official electronic mail notice issued by DHS/FEMA removing this special programmatic condition.

3. Administrative and National Policy Requirements

In addition to the requirements of in this section and in this NOFO, FEMA may place specific terms and conditions on individual awards in accordance with 2 C.F.R. Part 200.

In addition to the information regarding DHS Standard Terms and Conditions and Ensuring the Protection of Civil Rights, see the [Preparedness Grants Manual](#) for additional information on administrative and national policy requirements, including the following:

- EHP Compliance
- FirstNet
- NIMS Implementation
- SAFECOM

a. *DHS Standard Terms and Conditions*

All successful applicants for DHS grant and cooperative agreements are required to comply with DHS Standard Terms and Conditions, which are available online at [DHS Standard Terms and Conditions](#).

The applicable DHS Standard Terms and Conditions will be those in effect at the time the award was made. What terms and conditions will apply for the award will be clearly stated in the award package at the time of award.

b. *Ensuring the Protection of Civil Rights*

As the Nation works towards achieving the [National Preparedness Goal](#), it is important to continue to protect the civil rights of individuals. Recipients and subrecipients must carry out their programs and activities, including those related to the building, sustainment, and delivery of core capabilities, in a manner that respects and ensures the protection of civil rights for protected populations.

Federal civil rights statutes, such as Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964, along with FEMA regulations, prohibit discrimination on the basis of race, color, national origin, sex, religion, age, disability, limited English proficiency, or economic status in connection with programs and activities receiving [federal financial assistance](#) from FEMA.

The DHS Standard Terms and Conditions include a fuller list of the civil rights provisions that apply to recipients. These terms and conditions can be found in the [DHS Standard Terms and Conditions](#). Additional information on civil rights provisions is available at <https://www.fema.gov/about/offices/equal-rights>.

Monitoring and oversight requirements in connection with recipient compliance with federal civil rights laws are also authorized pursuant to 44 C.F.R. Part 7.

c. *EHP Compliance*

As a federal agency, FEMA is required to consider the effects of its actions on the environment and historic properties to ensure that all activities and programs funded by FEMA, including grant-funded projects, comply with federal EHP laws, Executive Orders, regulations, and policies, as applicable.

Recipients and subrecipients proposing projects that have the potential to impact the environment, including, but not limited to, the construction of communication towers, modification or renovation of existing buildings, structures, and facilities, or new construction including replacement of facilities, must participate in the FEMA EHP review process. The EHP review process involves the submission of a detailed project description along with any supporting documentation requested by FEMA in order to determine whether the proposed project has the potential to impact environmental resources or historic properties.

In some cases, FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. Federal law requires EHP review to be completed before federal funds are released to carry out proposed projects. FEMA may not be able to fund projects that are not in compliance with applicable EHP laws, Executive Orders, regulations, and policies.

DHS and FEMA EHP policy is found in directives and instructions available on the [FEMA.gov EHP page](#), the FEMA website page that includes documents regarding EHP responsibilities and program requirements, including implementation of the National Environmental Policy Act and other EHP regulations and Executive Orders.

The GPD EHP screening form is located at <https://www.fema.gov/media-library/assets/documents/90195>. Additionally, all recipients under this funding opportunity are required to comply with the FEMA GPD EHP Policy Guidance, FEMA Policy #108-023-1, available at <https://www.fema.gov/media-library/assets/documents/85376>.

d. *NIMS Implementation*

In expending funds under this program, recipients that are state, local, tribal, or territorial governments must ensure and maintain adoption and implementation of NIMS. The state, local, tribal, or territorial government must show adoption of NIMS during any point of the period of performance. The list of objectives used for progress and achievement reporting is at <https://www.fema.gov/emergency-managers/nims/implementation-training>.

Emergency management and incident response activities require carefully managed resources (personnel, teams, facilities, equipment, and/or supplies) to meet incident needs. Using standardized resource management concepts such as typing, credentialing, and inventorying, promote a strong national mutual aid capability needed to support delivery of core capabilities. Additional information on resource management, NIMS resource typing definitions, job titles, and position qualifications is on FEMA's website at <https://www.fema.gov/emergency-managers/nims/components>.

FEMA developed the [National Incident Management System Guideline for the National Qualification System](#) to describe national credentialing standards and to provide written guidance regarding the use of those standards. This guideline describes credentialing and typing processes and identifies tools which Federal Emergency Response Officials and emergency managers at all levels of government may use both routinely and to facilitate multijurisdictional coordinated responses.

Although state, local, tribal, and private sector partners (including nongovernmental organizations) are not required to credential their personnel in accordance with these guidelines, FEMA strongly encourages them to do so to leverage the federal investment in the Federal Information Processing Standards 201 infrastructure and to facilitate interoperability for personnel deployed outside their home jurisdiction.

Additional information about NIMS in general is available at <https://www.fema.gov/emergency-managers/nims>.

e. *Emergency Communications Investments*

If an entity uses HSGP funding to support emergency communications investments, the following requirements shall apply to all such grant-funded communications investments in support of the emergency communications priorities and recognized best practices:

- The signatory authority for the SAA must certify in writing to DHS/FEMA their compliance with the *SAFECOM Guidance*. The certification letter should be coordinated with the SWIC for each state and must be uploaded to ND Grants at the time of the first Program Performance Report (PPR) submission.
- All states and territories must designate a full-time SWIC who has the authority and resources to actively improve interoperability with emergency management and response agencies across all levels of government, to include establishing statewide plans, policies, and procedures, and coordinating decisions on communications investments funded through federal grants. Note that the designated full-time SWIC may also be the state's or territory's cybersecurity point of contact. SWIC status

information will be maintained by CISA and will be verified by FEMA GPD through programmatic monitoring activities.

- By the period of performance end date, all states and territories must update the SCIP, with a focus on communications resilience/continuity, to include assessment and mitigation of all potential risks identified in the SCIP: natural disasters, accidental damage (human failures), intentional damage (sabotage, terrorism), cybersecurity, etc. Following the initial update, the SCIP should be updated on an annual basis. SCIP status information will be maintained by CISA and will be verified by FEMA GPD through programmatic monitoring activities.

All states and territories must test their emergency communications capabilities and procedures (as outlined in their operational communications plans) in conjunction with regularly planned exercises (separate/addition emergency communications exercises are not required) and must submit an After Action Report/Improvement Plan (AAR/IP) to the Homeland Security Exercise and Evaluation Program's (HSEEP) electronic message inbox at hseep@fema.gov within 90 days of exercise completion. Exercises should be used to both demonstrate and validate skills learned in training and to identify gaps in capabilities. Resilience and continuity of communications should be tested during training and exercises to the greatest extent possible. Further, exercises should include participants from multiple jurisdictions, disciplines, and levels of government and include emergency management, emergency medical services, law enforcement, interoperability coordinators, public health officials, hospital officials, officials from colleges and universities, and other disciplines and private sector entities, as appropriate. Findings from exercises should be used to update programs to address gaps in emergency communications as well as emerging technologies, policies, and partners. Recipients are encouraged to increase awareness and availability of emergency communications exercise opportunities across all levels of government.

States, territories, and other eligible grant recipients are advised that HSGP funding may be used to support communications planning (including the cost of hiring a SWIC, participation in governance bodies and requirements delineated above), training, exercises, and equipment costs. Costs for transitioning to the FirstNet network may also be eligible. More information regarding FirstNet can be found in the [Preparedness Grants Manual](#).

4. Reporting

Recipients are required to submit various financial and programmatic reports as a condition of award acceptance. Future awards and funds drawdown may be withheld if these reports are delinquent.

See the [Preparedness Grants Manual](#) for information on reporting requirements, as well as the above section, "Emergency Communications Investments," specific reporting requirements for emergency communications investments.

5. Monitoring and Oversight

Per 2 C.F.R. § 200.337, FEMA, through its authorized representatives, has the right, at all reasonable times, to make site visits or conduct desk reviews to review project accomplishments and management control systems to review award progress and to provide

any required technical assistance. During site visits or desk reviews, FEMA will review recipients' files related to the award. As part of any monitoring and program evaluation activities, recipients must permit FEMA, upon reasonable notice, to review grant-related records and to interview the organization's staff and contractors regarding the program. Recipients must respond in a timely and accurate manner to FEMA requests for information relating to the award.

See the [Preparedness Grants Manual](#) for information on monitoring and oversight.

G. DHS Awarding Agency Contact Information

1. Contact and Resource Information

a. *Program Office Contact*

FEMA has assigned state-specific Preparedness Officers for the HSGP. If you do not know your Preparedness Officer, please contact CSID by phone at (800) 368-6498 or by email at askcsid@fema.dhs.gov, Monday through Friday, 9:00 AM – 5:00 PM ET.

b. *Centralized Scheduling and Information Desk (CSID)*

CSID is a non-emergency comprehensive management and information resource developed by FEMA for grants stakeholders. CSID provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information at the federal, state, and local levels. When necessary, recipients will be directed to a federal point of contact who can answer specific programmatic questions or concerns. CSID can be reached by phone at (800) 368-6498 or by e-mail at askcsid@fema.dhs.gov, Monday through Friday, 9 AM – 5 PM ET.

c. *GPD Award Administration Division*

GPD's Award Administration Division (AAD) provides support regarding financial matters and budgetary technical assistance. Additional guidance and information can be obtained by contacting the AAD's Help Desk via e-mail at ASK-GMD@fema.dhs.gov.

d. *Equal Rights*

The FEMA Office of Equal Rights (OER) is responsible for compliance with and enforcement of federal civil rights obligations in connection with programs and services conducted by FEMA and recipients of FEMA financial assistance. All inquiries and communications about federal civil rights compliance for FEMA grants under this NOFO should be sent to FEMA-CivilRightsOffice@fema.dhs.gov.

e. *Environmental Planning and Historic Preservation*

GPD's EHP Team provides guidance and information about the EHP review process to recipients and subrecipients. All inquiries and communications about GPD projects under this NOFO or the EHP review process, including the submittal of EHP review materials, should be sent to gpdehpinfo@fema.dhs.gov.

2. Systems Information

a. *Grants.gov*

For technical assistance with [Grants.gov](https://www.grants.gov), call the customer support hotline 24 hours per day, 7 days per week (except federal holidays) at (800) 518-4726 or e-mail at support@grants.gov.

b. *Non-Disaster (ND) Grants*

For technical assistance with the ND Grants system, please contact the ND Grants Helpdesk at ndgrants@fema.gov or (800) 865-4076, Monday through Friday, 9:00 AM – 6:00 PM ET. User resources are available at <https://www.fema.gov/grants/guidance-tools/non-disaster-grants-management-system>

c. *Payment and Reporting System (PARS)*

FEMA uses the [Payment and Reporting System \(PARS\)](#) for financial reporting, invoicing, and tracking payments. FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients. To enroll in the DD/EFT, recipients must complete a Standard Form 1199A, Direct Deposit Form. If you have questions about the online system, please call the Customer Service Center at (866) 927-5646 or email ask-GMD@fema.dhs.gov.

d. *Supplemental Information: Reporting Systems*

In addition to ND Grants, the following information systems are used for the submission of required reports:

- **GRT:** Information on the GRT can be found in the [Preparedness Grants Manual](#).
- **Unified Reporting Tool (URT):** Information on the URT can be found in the [Preparedness Grants Manual](#).

H. Additional Information

GPD has developed the [Preparedness Grants Manual](#) to guide applicants and recipients of grant funding on how to manage their grants and other resources. Recipients seeking guidance on policies and procedures for managing preparedness grants should reference the Preparedness Grants Manual for further information. Examples of information contained in the [Preparedness Grants Manual](#) include:

- Actions to Address Noncompliance
- Audits
- Case Studies and Use of Grant-Funded Resources During Real-World Incident Operations
- Community Lifelines
- Conflicts of Interest in the Administration of Federal Awards and Subawards
- Disability Integration
- National Incident Management System
- Payment Information
- Period of Performance Extensions
- Procurement Integrity

- Record Retention
- Whole Community Preparedness
- Other Post-Award Requirements

1. Termination Provisions

FEMA may terminate a federal award in whole or in part for one of the following reasons. FEMA and the recipient must still comply with closeout requirements at 2 C.F.R. §§ 200.344-200.345 even if an award is terminated in whole or in part. To the extent that subawards are permitted under this NOFO, pass-through entities should refer to 2 C.F.R. § 200.340 for additional information on termination regarding subawards.

a. *Noncompliance*

If a recipient fails to comply with the terms and conditions of a federal award, FEMA may terminate the award in whole or in part. If the noncompliance can be corrected, FEMA may first attempt to direct the recipient to correct the noncompliance. This may take the form of a Compliance Notification. If the noncompliance cannot be corrected or the recipient is non-responsive, FEMA may proceed with a Remedy Notification, which could impose a remedy for noncompliance per 2 C.F.R. § 200.339, including termination. Any action to terminate based on noncompliance will follow the requirements of 2 C.F.R. §§ 200.341-200.342 as well as the requirement of 2 C.F.R. § 200.340(c) to report in FAPIIS the recipient's material failure to comply with the award terms and conditions. See also the section on Actions to Address Noncompliance in this NOFO or in the [Preparedness Grants Manual](#).

b. *With the Consent of the Recipient*

FEMA may also terminate an award in whole or in part with the consent of the recipient, in which case the parties must agree upon the termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated.

c. *Notification by the Recipient*

The recipient may terminate the award, in whole or in part, by sending written notification to FEMA setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. In the case of partial termination, FEMA may determine that a partially terminated award will not accomplish the purpose of the federal award, so FEMA may terminate the award in its entirety. If that occurs, FEMA will follow the requirements of 2 C.F.R. §§ 200.341-200.342 in deciding to fully terminate the award.

2. Period of Performance Extensions

Extensions to the period of performance (POP) for this program are allowed. Extensions to the POP identified in the award will only be considered through formal, written requests to the recipient's FEMA Preparedness Officer and must contain specific and compelling justifications as to why an extension is required. Recipients are advised to coordinate with the FEMA Preparedness Officer as needed when preparing an extension request. Please see the [Preparedness Grants Manual](#) for more information.