

NORTH DAKOTA NONPOINT SOURCE POLLUTION MANAGEMENT PROGRAM



COST-SHARE GUIDELINES FOR NONPOINT SOURCE POLLUTION CONTROL BEST MANAGEMENT PRACTICES

March 2003

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I. INTRODUCTION

Sediments, nutrients, pesticides, and livestock wastes are the most common NPS pollutants affecting the water quality of many North Dakota waterbodies. These pollutants are generally delivered to waterbodies by way of runoff waters, wind, percolation, or atmospheric deposition. To effectively reduce or eliminate the transport of these pollutants to surface and/or groundwater, various source control measures must be implemented within the watersheds of the impaired waterbodies.

Under the NPS Pollution Management Program, a variety of source control measures have been approved for controlling or preventing urban and rural NPS pollution. These control measures are defined as best management practices (BMP) which are designed to: 1) prevent pollutants from leaving a specific area; 2) reduce/eliminate the introduction of pollutants; 3) protect sensitive areas; or 4) prevent the interaction between precipitation and pollutants. Some common examples of source control BMP utilized by the NPS Program are conservation tillage, grassed waterways, nutrient management, stormwater retention ponds, and livestock manure containment facilities.

Voluntary implementation of the appropriate BMP is best accomplished by providing one-on-one technical assistance and, when necessary, sufficient cost-share assistance to install the BMP. Ultimately, the specific BMP which are actually implemented will be dependent on the: 1) type of NPS pollutants, 2) source and cause of the pollutants, 3) delivery mechanisms being addressed, and 4) physical/financial limitations associated with the implementation of the practices.

II. APPROVED AGRICULTURAL BEST MANAGEMENT PRACTICES

While many agricultural BMP can be implemented with very little or no expense to the landowner, some practices do require a substantial investment. Because of such instances, the NPS Program will provide cost-share assistance, when necessary, to offset expenses associated with the application of certain BMP. Cost-share assistance will be provided at a sixty percent (60%) Federal and forty percent (40%) landowner matching ratio.

Agricultural BMP eligible for cost-share assistance through the NPS Program include many of the conservation practices listed in the NRCS Field Office Technical Guide (FOTG). In addition, BMP guidelines developed by the North Dakota Forest Service (NDFS) will also be utilized to ensure the appropriate practices are prescribed under resource management plans involving forestry management. Table 1 identifies the specific BMP from the FOTG which are eligible for cost-share assistance through the North Dakota Nonpoint Source Pollution Management Program.

Table 1: Approved Best Management Practices

NRCS CODE	PRACTICE	LIFE SPAN (YEARS)	FLAT RATE	COST-SHARE PAYMENT
328	Conservation Crop Rotation	--	NC	NC
656	Constructed Wetland	10	A(M/A)	*
332	Contour Buffer Strips	5	A(M/A)	*
340	Cover Crop	1	\$5.00	\$3.00
342	Critical Area Planting	10	A(M/A)	*
589B	Cross Wind Strip cropping	5	\$5.00/acre	\$3.00/acre
589C	Cross Wind Trap Strips	5	\$5.00/acre	\$3.00/acre
356	Dike	10	A(M/A)	*
362	Diversions	10	A(M/A)	*
382	Fencing	10	A(M/A)	*
386	Field Border	5	\$20.00/acre	\$12.00/acre
393	Filter Strip	10	A(M/A)	*
410	Grade Stabilization Structure	10	A(M/A)	*
412	Grassed Waterway	10	A(M/A)	*
548	Grazing Land Mechanical Treatment	1	\$5.00/acre	\$3.00/acre
561	Heavy Use Protection	10	A(M/A)	*
422	Hedgerow Planting	10	A(M/A)	*
603	Herbaceous Wind Barriers	5	\$5.00/acre	\$3.00/acre
447	Irrigation System Tailwater Recovery	10	A(M/A)	*
472	Use Exclusion (Livestock only)	1	\$7.00/acre	\$4.20/acre
634	Manure Transfer	10	A(M/A)	*
590	Nutrient Management	1	\$5.00/acre	\$3.00/acre
512	Pasture and Hayland Planting	10	A(M/A)	*
595	Pest Management	1	\$5.00/acre	\$3.00/acre
516	Pipelines	10	A(M/A)	*
378	Pond	10	A(M/A)	*
521	Pond Sealing or Lining (521 A, B, & C)	10	A(M/A)	*
528A	Prescribed Grazing	--	NC	NC

NRCS CODE	PRACTICE	LIFE SPAN (YEARS)	FLAT RATE	COST-SHARE PAYMENT
550	Range Planting	10	A(M/A)	*
329A	Residue Management, No Till & Strip Till	1	\$12.00/acre	\$7.20/acre
329B	Residue Management, Mulch Till **	1	\$8.00/acre	\$4.80/acre
329C	Residue Management, Ridge Till	1	\$8.00/acre	\$4.80/acre
391	Riparian Forest Buffer	10	A(M/A)	*
390	Riparian Herbaceous Cover	10	A(M/A)	*
558	Roof Runoff Structure	10	A(M/A)	*
570	Runoff Management System (construction sites)	1	A(M/A)	*
350	Sediment Basin	10	A(M/A)	*
574	Spring Development	10	A(M/A)	*
584	Stream Channel Stabilization	10	A(M/A)	*
580	Streambank & Shoreline Protection	10	A(M/A)	*
587	Structure for Water Control	10	A(M/A)	*
600	Terrace	10	A(M/A)	*
610	Toxic Salt Reduction	5	A(M/A)	*
612	Tree/Shrub Establishment	10	A(M/A)	*
614	Trough and Tank	10	A(M/A)	*
601	Vegetative Barrier	10	A(M/A)	*
312	Waste Management System	10	***	***
425	Waste Storage Pond	10	A(M/A)	*
313	Waste Storage Facility	10	A(M/A)	*
359	Waste Treatment Lagoon	10	A(M/A)	*
635	Waste Treatment Strip	10	A(M/A)	*
633	Waste Utilization	1	****	****
638	Water and Sediment Control Basin	10	A(M/A)	*
640	Water Spreading	10	A(M/A)	*
642	Well (livestock only)	10	A(M/A)	*
351	Well Decommissioning	10	A(M/A)	*
658	Wetland Creation	10	A(M/A)	*

NRCS CODE	PRACTICE	LIFE SPAN (YEARS)	FLAT RATE	COST-SHARE PAYMENT																																				
657	Wetland Restoration	10	A(M/A)	*																																				
380	Windbreak/Shelterbelt Establishment	10	A(M/A)	*																																				
NC	Non cost-shared practice																																							
A(M/A)	Actual costs not to exceed the maximum or average costs identified in the NRCS Field Office Technical Guide (FOTG). However, the flat rate can be based on actual costs if the actual costs exceed the FOTG costs by more than 10% and two or more written price quotes are obtained to verify local costs.																																							
*	Cost-share assistance for these BMP must be based on the actual costs, not to exceed 60% of the maximum costs or average costs identified in the Cost Data Tables in Section I of the NRCS FOTG. However, in the event the actual costs exceed the FOTG cost estimates by more than 10%, cost-share payments can be based on the actual costs if two or more written price quotes are obtained to verify the local costs for the practice. Cost-share payments shall not exceed 60% of the actual, maximum, or average costs for any BMP.																																							
**	<p><u>Percent Cover to Qualify for Cost-Share Assistance for 329B</u></p> <p>Eligibility for cost-share assistance under 329B will be based on the amount of crop residue left on the soil surface after spring seeding. Sufficient residue must remain on the soil surface to reduce erosion to the soil loss tolerance (T) or less as determined using current approved erosion prediction technology or the percent listed below, whichever is greater.</p> <table> <tbody> <tr> <td>Nonfragile Crops:</td> <td>Small Grains (wheat, barley, etc.)</td> <td>-</td> <td>30% after seeding.</td> </tr> <tr> <td></td> <td>Flax</td> <td>-</td> <td>30% after seeding.</td> </tr> <tr> <td></td> <td>Corn</td> <td>-</td> <td>30% after seeding.</td> </tr> <tr> <td>Fragile (1) Crops:</td> <td>Canola, Mustard, Crambe</td> <td>-</td> <td>25% after seeding.</td> </tr> <tr> <td></td> <td>Corn Silage</td> <td>-</td> <td>20% after seeding.</td> </tr> <tr> <td></td> <td>Peas</td> <td>-</td> <td>20% after seeding.</td> </tr> <tr> <td></td> <td>Sunflowers</td> <td>-</td> <td>15% after seeding.</td> </tr> <tr> <td></td> <td>Soy Beans</td> <td>-</td> <td>15% after seeding.</td> </tr> <tr> <td></td> <td>Dry Beans (2)</td> <td>-</td> <td>10% after seeding.</td> </tr> </tbody> </table> <p>(1) To ensure the residue requirements for the Fragile Crops are met, fall tillage operations will not be allowed.</p> <p>(2) Dry Bean field widths will be 20 rods or less.</p> <p>Percent cover for water quality benefits developed using soils with productivity indexes of 60 to 80, and estimating over winter and seeding losses.</p>				Nonfragile Crops:	Small Grains (wheat, barley, etc.)	-	30% after seeding.		Flax	-	30% after seeding.		Corn	-	30% after seeding.	Fragile (1) Crops:	Canola, Mustard, Crambe	-	25% after seeding.		Corn Silage	-	20% after seeding.		Peas	-	20% after seeding.		Sunflowers	-	15% after seeding.		Soy Beans	-	15% after seeding.		Dry Beans (2)	-	10% after seeding.
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***	See Section X, page 13 for cost share assistance policies associated with the installation of manure management facilities.																																							
****	See Section IX, page 12 for cost-share assistance policies associated with the implementation of the practice, waste utilization.																																							

III. SECTION 319 LONG-TERM AGREEMENTS FOR AGRICULTURAL BMP

Local Section 319 project staff will be responsible for the development of the long-term agreements (LTA). During the development of these agreements, all potential BMP should be reviewed with the cooperating producer or landowner to identify which practices are most appropriate. While it is recommended the LTA address all the NPS pollution management needs on the entire farm, long-term agreements for site specific concerns will be allowable if approved by NPS Pollution Program personnel.

The maximum length of a Section 319 LTA with any cooperating producer or landowner should not exceed three years. In the event an LTA exceeds three years, the project sponsors must ensure sufficient funding will be available to meet financial obligations described in the LTA and provide the necessary technical assistance to conduct follow-up contacts and compliance checks. In addition, each cooperator within a specific project area, will be limited to one Section 319 LTA for the duration of the project period. However, these LTA can be revised and/or expanded throughout the project period. The ND NPS Program forms and Cost Share Agreement Provisions that must be used when developing and implementing a Section 319 LTA are provided in Appendices A and B. A summary of the information required in an approved LTA is as follows:

- Name and address of the cooperating producers.
- Types of BMP scheduled for cost-share assistance as well as any non-cost-shared management requirements.
- Total acreage under contract. If more than one BMP is scheduled for implementation, list the acreage for each BMP.
- Maps and legal descriptions (Twp/Range/Sec/Qtr/Qtr) of the locations of cost-shared and non-cost-shared BMP scheduled under the LTA.
- BMP implementation and cost-share payment schedule.
- The "flat rate" for the scheduled BMP as identified in this document or the appropriate cost estimates identified in the NRCS FOTG.
- Amount of cost-share assistance being requested for each BMP.
- Cooperating producers' matching share.
- Appropriate Maintenance of Effort (MOE) conditions for the scheduled BMP.
- If applicable, a producer agreement to donate BMP inkind match to the project to support project management and planning assistance. The Cost Share Agreement Provisions in Appendix B include language pertaining to BMP inkind match donation..
- The amount of BMP inkind match to be donated by the producer; BMP that will be used to generate the match; and the year the match will be donated to the sponsors.

Under an approved LTA, cost-share assistance can only be provided after the scheduled BMP have been fully implemented according to NRCS FOTG standards and specifications or other standards approved by the NPS Program. In the event a producer or landowner is unable to implement or maintain a BMP due to uncontrollable circumstances, cost-share payments will not be issued that particular year and the LTA must be revised to adjust the implementation and payment schedule. Cost-share payments would than be based on the new schedule. The local sponsorship and project staff will be responsible for verifying noncompliance occurrences and revision of the LTA.

IV. AGRICULTURAL BMP COST-SHARE ASSISTANCE

Calculation of cost-share assistance for approved agricultural BMP must be based on the "flat rate" identified in Table 1 of Section II of this document. Cost-share payments provided through the NPS Program cannot exceed 60 percent of the "flat rate." The remaining 40 percent will be the responsibility of the cooperating landowner and/or sponsoring entity. The 40 percent match requirement can be provided in the form of cash and/or inkind match. All forms of match must be properly documented and verified by the project sponsors or staff before cost-share assistance can be issued.

A. Cost-Share Limitations

For certain BMP, limitations have been established to ensure efficient use of cost-share funds within the local project areas. These limitations or restrictions are as follows: 1) limit the number of years of cost-share assistance per BMP to a maximum of two years; 2) require full implementation of the BMP with no cost share assistance during one year of the LTA; and 3) limit the maximum acreage per BMP scheduled for cost-share assistance to 640 acres. Specific BMP for which these restrictions apply are listed in Table 2:

Table 2: BMP With Cost-Share and Acreage Limitations

Residue Management (329A, 329B, and 329C)	Cross Wind Strip cropping
Cross Wind Trap Strips	Field Border
Herbaceous Wind Barrier	Use Exclusion (Livestock)
Nutrient Management	Pest Management

Section 319 LTA’s scheduling the implementation of any BMP listed in Table 2 must comply with all the limitations described in the previous paragraph. Total acreage per BMP enrolled for cost share assistance cannot exceed 640 acres. Cost share assistance for the BMP must be limited to a maximum of 2 years under a 3-year LTA and one year under a 2-year LTA. For any LTA (i.e., 3-year or 2-year), the scheduled BMP must also be fully implemented one year without Section 319 cost share assistance. This non-cost shared year should be identified as the “management year” under the LTA. During the management year, the scheduled BMP must continue to be implemented according to the applicable NRCS FOTG standards and specifications. The local project sponsors can schedule the “management year” for any year under a LTA.

B. Authorization Criteria for Cost-Share Assistance

Section 319 cost-share assistance will be authorized when the following criteria have been met:

- The BMP has been implemented according to the NRCS Field Office Technical Guide standards and specifications or alternative standards and specifications approved by the NPS Program.
- Project personnel have verified the completion of the BMP and compliance with the operation and maintenance conditions for the cost-shared practice.
- The associated expenses have been properly documented and the appropriate documentation provided to the sponsors or staff.
- The project sponsors have approved the producer’s Application for Payment request (Appendix A) and provided a copy to NPS Program personnel.
- A reimbursement request, (with copies of the appropriate Application for Payment Forms), is submitted by the project sponsors to the NDDH and approved by NPS Program personnel.

V. ELIGIBLE INKIND MATCH ASSOCIATED WITH BMP IMPLEMENTATION

Given the management year restrictions discussed in Section IV, the BMP listed in Table 3 may often be implemented without Section 319 financial assistance under a two or three year LTA. If the scheduled BMP are identified as priority practices in the approved project implementation plan (PIP) and are needed to accomplish the project’s goals, the flat rate or “value” of the properly applied practices during the management year can be documented as “BMP inkind match” in a project’s budget. The specific value of this inkind match must be based on the per acre flat rates indicated in Table 3.

Table 3. Eligible BMP and Rates for Calculating BMP Inkind Match Values.

Cross Wind Trap Strips - \$5/acre	Cross Wind Strip cropping - \$5/acre
Herbaceous Wind Barrier - \$5/acre	Use Exclusion (Livestock) - \$7/acre
329A Residue Management - \$12/acre	329B & 329C Residue Management - \$8/acre
Nutrient Management - \$5/acre	Pest Management - \$5/acre
Field Border - \$20/acre	Prescribed Grazing - \$5/acre (See Footnote *)

* Prescribed Grazing must be the management component of the grazing system scheduling the installation of livestock watering facilities, fences, etc.. If “Prescribed Grazing” is scheduled in a LTA and applied according to NRCS standards and specifications, the value of the BMP inkind match for Prescribed Grazing can be calculated for each year of a two or three year LTA. The maximum number of acres that can be used to calculate the annual BMP inkind match value for Prescribed Grazing will be limited to 640 acres. The value of the Prescribed Grazing inkind match must be documented on an annual basis and will not be recognized as eligible match until the project coordinator has verified the grazing system had been implemented the past season according to Prescribed Grazing standards and specifications.

A. BMP Inkind Match Limitations

With the exception of Prescribed Grazing (See Footnote to Table 3), all BMP listed in Table 3 are limited on the number of years the practices are eligible for cost share assistance. This limitation restricts Section 319 cost-share assistance to a maximum of two years under a three year LTA or one year under a two year LTA. During the non-cost share year or “management year” of a LTA, a producer is still required to maintain the scheduled BMP with no cost-share assistance. Consequently, during the management year of a LTA, the value of the scheduled BMP can be documented as eligible inkind match, if the practice was fully implemented according to the applicable standards and specifications. This “BMP inkind match” can only be generated through the implementation of the practices listed in Table 3.

An example of a situation where BMP inkind match may be generated is when a three year LTA schedules the implementation of 640 acres of residue management-329B. The flat rate per acre for residue management-329B is \$8.00 per acre. The first two years of the LTA the producer receives cost-share assistance (60% of the flat rate) for implementing the practice. During the final year or management year of the LTA, the producer must maintain the practice on the same acreage with no cost-share assistance. In this case, the value of the BMP inkind match generated during the management year would be calculated by using the flat rate of \$8.00/acre. Total BMP inkind match earned would be \$5,120.

Utilization of the BMP inkind match will be limited to the support of costs associated with technical assistance provided by the local project sponsors. Due to the management year cost share restrictions for the practices listed in Table 3, BMP inkind match generated through the implementation of these practices will not be eligible match for other cost-shared practices implemented under a producer’s LTA. However, a producer can donate the BMP inkind match to a Section 319 project sponsor to supplement the 40% match requirements associated with costs for technical assistance provided in the project area. Donation of this BMP inkind match must be reflected in the producer’s LTA and documented in the appropriate financial records (i.e., Producer Application for Payment Forms & Inkind Match Summary in NDDH Form 2) for the project. Project staff must verify and document that the BMP were properly installed and maintained throughout the management year before the BMP inkind match can be included in the project’s inkind match budget.

B. Authorization Criteria for BMP Inkind Match Eligibility

BMP inkind match generated during a project will be eligible match to Section 319 funds used to support the delivery of technical assistance in the project area if all the following criteria are met and properly documented:

- The LTA was approved and signed by the local sponsors after April 1, 1997. BMP inkind match generated under LTA’s approved and signed prior to April 1, 1997 will not be eligible match.
- C The applied BMP is identified in the approved Section 319 project implementation plan as a practice needed to address documented water quality and/or NPS pollution concerns in the project area.

- C The BMP was scheduled for implementation under a Section 319 LTA approved and signed by the project sponsor and participating producer.
- C The BMP was not being implemented prior to the development of the Section 319 LTA and will result in an improvement of previous management activities on the identified acreage.
- C The BMP was fully installed and maintained according to NRCS standards and specifications or alternative practice specifications approved by the NPS Program.
- C Compliance with the appropriate BMP standards and specifications has been verified and properly documented by local project staff. Copies of these records must be submitted with the monthly or quarterly NDDH Section 319 reimbursement forms that identify the cumulative value of the BMP inkind match.
- C The BMP is listed in Table 3. Only those practices listed in Table 3 will be eligible practices for generating BMP inkind match.
- C Calculation of the value of BMP inkind match has been based on the appropriate BMP acreage rates listed in the Table 3.
- C The participating producer has signed a written agreement to donate the BMP inkind match to the project to support costs associated with planning assistance and/or project management. This can be documented by including the appropriate language in the LTA.

VI. BMP OPERATION AND MAINTENANCE CONDITIONS

Recipients of Section 319 cost-share assistance for the installation of BMP will be responsible for the operation and maintenance (O&M) of such practices. All cost-shared BMP must be maintained at a functional level for the life span of the practice as identified in Table 1 of Section II of this document.

The life span of a practice is the minimum number of years the practice should serve its purpose with normal care and maintenance. Cost sharing must be refunded if the recipient destroys a practice during its life span unless a release is approved by the NDDH before the practice is destroyed.

Maintenance of a practice is the keeping of a practice in a workable condition for its specified life span. There are many practices, such as forestry plantings, critical area treatments, and livestock manure containment facilities, that should last well beyond the maximum 10-year life span. Therefore, the project sponsors and staff must advise cost-share recipients they will be expected to maintain the practice for all its useful life.

The operation and maintenance of cost-shared practices will be determined through periodic compliance checks. The frequency of O&M compliance reviews will be dependant on the type of practice and its designated life span. For the “management practices” with a one year life span, compliance reviews will be conducted annually to determine compliance and eligibility for cost share assistance. Structural practices with life spans greater than one year will be inspected immediately

after construction to verify completion and at least two more times during the project period to determine if the practice continues to be properly maintained. For O&M compliance review purposes, the maximum life span for any practice will not exceed 10 years. Those practices with a life span greater than ten years will only be subject to compliance reviews during the first 10 years.

All Section 319 LTA's must contain an O&M condition to ensure a cost-shared practice is maintained for its entire life span. The local Section 319 project sponsors and/or staff will be responsible for verifying compliance with the O&M conditions for the duration of the project period. Post-project compliance inspections of BMP with life spans exceeding the length of the project will be the responsibility of the NDDH.

VII. NPS PROGRAM COST-SHARE POLICIES FOR THE RENOVATION OR REPAIR OF SEPTIC SYSTEMS

Under certain situations Section 319 funding can be used to cost-share the repair or replacement of privately owned septic systems. This financial assistance will only be available for systems that are discharging effluent directly into a waterbody and/or identified as a source of NPS pollutants impairing the beneficial uses of a waterbody.

A. Cost-share Policies

Section 319 cost-share assistance is authorized for the repair of failed septic systems if the following criteria are met.

- Failure of the system cannot be attributed to mismanagement or accidental damage by the owner.
- The system is discharging directly into a waterbody and/or has been identified as a source of pollution impairing a waterbody's beneficial uses.
- The system is for a private household or farming operation.
- The site and system design has been approved by a District Health Unit or the ND Department of Health.
- The system has been installed according to Plumbing Codes for Private Sewage Disposal Systems (Appendix C)
- The completed system has been inspected and approved by District Health Unit or ND Department of Health personnel.

B. Cost-Share Eligibility and Rates

Section 319 cost-share assistance will only be provided for the renovation of failed septic systems that are impacting downstream waterbodies. Cost-share payments, up to the maximum allowable amount, will be based on actual costs associated with the renovation or repair of the existing system. The

matching ratio for this assistance will be sixty percent (60%) Federal and forty percent (40%) local/owner. Total Section 319 cost-share payments per system cannot exceed \$2,000.

VIII. NPS PROGRAM COST-SHARE POLICIES AND RATES FOR URBAN STORMWATER MANAGEMENT BMP

In the past, urban stormwater management systems were typically designed to serve as water conveyance systems. These systems utilized culverts, ditches, storm drain systems, bridges, etc. to move stormwater runoff safely and efficiently from one area to another. However, with growing public concern regarding water quality impacts associated with urban NPS pollution, several new types of stormwater management BMP have been developed. These “new” stormwater BMP are designed to not only transport runoff waters, but also to modify the flow rates and volume of water as well as improve the quality of the water transported in the system. The new stormwater management systems address both water quality and quantity by utilizing BMP such as wet or dry detention ponds, retention areas, natural filters (e.g., sand, vegetation), and/or constructed wetlands.

A. Cost-Share Policies

Although urban areas occupy only a small percentage of the total acreage in North Dakota, polluted runoff from these areas can have a significant impact on the water quality and beneficial uses of a waterbody. To help address this concern, Section 319 cost-share assistance can be provided to install several types of urban BMP, if current Phase I or II Stormwater Rules do not apply to the targeted urban area. Section 319 financial assistance cannot be used to support activities associated with compliance requirements under the Phase I or II Stormwater rules.

Given the requirements under the Phase I & II Stormwater Rules and the complexities associated with the design and installation of stormwater management systems, cost share eligibility of urban BMP will be determined on a case-by-case basis. All eligibility determinations will be accomplished, in cooperation with the NDDH and EPA Region VIII Stormwater Program staff as well as the ND NPS Pollution Task Force during the annual project development and review process. Final approval for Section 319 funding will be dependent on current requirements under the Phase I and II Stormwater regulations and other criteria such as; the type of BMP, beneficial use impacts, interaction with existing stormwater management BMP, and appropriateness of the proposed BMP.

B. Cost-Share Eligibility and Rates

If Phase I or II Stormwater Regulations do not apply to the targeted urban area, eligible urban BMP and cost share policies under the N.D. NPS Pollution Management Program are as follows:

Infiltration Basins	Wet Detention Ponds
Infiltration Trenches	Biofiltration Practices
Exfiltration Trenches	Constructed Wetlands
Pervious Pavement	Stormwater Filters
Modular Pavement	Extended Dry Detention Basins
Dry Detention Basins	

Section 319 cost-share assistance for the installation of an approved urban BMP will be based on actual costs. These costs may include, but not be limited to, contractor fees, materials, and equipment rental. All project costs must be documented and verified by the sponsoring entity and submitted to the NDDH. Cost-share assistance for eligible BMP will be provided at a sixty (60) percent Federal and forty (40) percent local matching ratio.

IX. NPS PROGRAM COST-SHARE POLICIES AND RATES FOR WASTE UTILIZATION

The following cost-share policies and rates are only applicable to acreage enrolled under a LTA for the application and utilization of livestock manure. These policies, as well as other NPS Program policies associated with Section 319 LTA development; BMP operation and maintenance; and BMP cost-share limitations must be followed when financial assistance is provided for Waste Utilization.

A. Cost-Share Policies

Section 319 cost-share assistance is authorized for Waste Utilization if all the following criteria are met:

- The waste utilization practices have been planned and implemented according to standards and specifications in the NRCS Field Office Technical Guide, or alternative standards approved by the NPS Program.
- The estimated tons or gallons of manure to be applied have been pre-determined using NRCS or Extension Service values and agreed upon by the producer. These pre-determined amounts must be used to establish application rates and the level of Section 319 cost-share assistance committed under the LTA.
- The waste utilization plan has been approved by the local project sponsors or individuals assigned by the sponsors to oversee the implementation of Section 319 cost-shared BMP.
- The cooperating producer has properly documented expenses associated with waste utilization, and provided the documentation to the project sponsors and/or staff.
- The appropriate soil and manure tests have been completed to determine application rates.
- Livestock manure has been applied to the scheduled field(s) according to application rates based on the pre-determined volume and soil and manure tests.
- If waste utilization is a component of a comprehensive Manure Management Plan involving the construction of a manure management facility, the utilization plan must be approved by NDDH personnel.

- If the scheduled manure applications will only partially fulfill crop nutrient needs, the LTA should also schedule the implementation of Nutrient Management (590) on the same acres to address commercial fertilizer use. In such cases, cost-share assistance can be provided for the implementation of both practices.

B. Cost-Share Eligibility and Rates

Waste Utilization activities eligible for Section 319 financial assistance include: 1) soil sampling and analysis; 2) manure sampling and analysis; and 3) field application of manure. Cost-share assistance will be provided at a sixty percent (60%) Federal, and forty percent (40%) producer matching ratio. However, total Section 319 financial assistance per year per producer shall not exceed \$2000. Since Waste Utilization does not require the inclusion of a “Management Year” in a LTA, Section 319 cost-share assistance can be provided each year of a LTA. Guidelines for determining cost-share rates for eligible waste utilization activities are as follows:

- **Soil Fertility Testing:** Financial assistance will be based on actual costs for collection and analysis of the soil samples from the acreage where the manure will be applied. Cost-share payments cannot exceed sixty (60%) of these documented costs.
- **Manure Testing:** Financial assistance will be based on actual costs for the collection and analysis of the livestock manure. Cost-share payments cannot exceed sixty (60%) of these documented costs.
- **Field Application:** Financial assistance will be based on a “flat rate” of \$1.50/ton or \$5.00/1000 gallons if the manure is applied by the producer. If the producer employs a commercial service to apply the manure, cost share assistance can be based on actual documented costs associated with equipment rental and/or contracted services. In either case, the amount of manure to be applied must be pre-determined and agreed upon by the producer. As applicable, the cost-share payments must be based on the “flat rate costs” for the pre-determined amount of manure or the actual documented costs for contracted services or equipment. Cost share payments cannot exceed sixty percent (60%) of the “flat rate costs” or the actual documented costs..

X. NPS PROGRAM COST SHARE POLICIES FOR LIVESTOCK MANURE MANAGEMENT FACILITIES

A. Eligible Facilities

Section 319 financial assistance will be limited to animal feeding operations (AFO) that have been in existence for 5 or more years and do not meet the federal definitions for a large concentrated animal feeding operation (large CAFO). Facilities that are determined to be a large CAFO will not be eligible for Section 319 financial assistance. Designation of a facility as a large CAFO must be based on the federal limits set for the minimum number of animals allowed for a particular type (e.g., beef, dairy, etc) of animal feeding operation. The federal limits for the minimum number of animals per specific type of large CAFO are listed in Subsection J on page 20.

B. On-Site Total Containment Facility Construction

Installation and/or construction of the appropriate runoff control or containment practices within the existing feeding area must always be the first management options considered. Specific practices that will be installed as well as the construction schedules for the practices must be identified in the producer contract. Section 319 cost share assistance obligated under the contract for the eligible components of the facility must be based on the approved NPS Program flat rates listed in Subsection I (pp. 17-19). Final construction designs for the facility must be approved by a registered professional engineer.

C. Facility Relocation

In some cases, relocation of the animal feeding operation may be the most cost effective option. Section 319 financial and technical assistance can be used to support facility relocations if it is determined to be the most cost effective solution and approved by the project sponsors, NDDH and cooperating producer. Planning policies and limitations associated with a facility relocation are as follows:

- * Documentation verifying that relocation is the most cost effective solution must be obtained and included in the producer file. This documentation must include cost comparisons for: 1) facility construction at the existing feeding area versus the relocation site; and 2) if applicable, building relocation vs. new construction. Section 319 financial support must be limited to the least costly solution.
- * Management limitations within the abandoned feeding area, (including buildings), must be included in the operation and maintenance component of the producer contract. Continued concentration and/or feeding of livestock within the abandoned area will not be allowable following the relocation of the feeding area.
- * All necessary materials (e.g. fencing, waterers, etc.) and buildings within the existing feeding area that can be salvaged and moved to the relocation site must be identified during the design process. The inkind value and/or costs associated with the relocation of the materials and/or buildings must be included in the producer contract and engineer's cost estimates.
- * If it is determined that certain materials or equipment (e.g., waterers, windbreaks, etc.) cannot be moved or salvaged, Section 319 financial assistance can be used to replace the number or amount of materials and/or equipment that will be abandoned within the existing feeding area. Costs for additional materials or equipment (beyond what was at the existing feeding area) installed at the relocation site will not be eligible Section 319 expenses or inkind match.
- * Assistance for the construction of new buildings to replace abandoned buildings used within the existing feeding area will not be eligible, unless it has been approved by the NDDH and verified that: 1) it is not feasible/possible to move existing buildings; and/or 2) the costs for new construction are less than the costs associated with the relocation of existing buildings.

Total square footage for the replacement building cannot exceed the area housed by the abandoned building within the existing feeding area. During the design process, documentation (i.e., price quotes or bids) supporting the appropriateness of new construction must be obtained and approved by the project sponsors and NDDH. If approved, the appropriate NPS Program flat rates and/or cost limitations (pp. 17-19) must be included in the engineer's cost estimates and producer contract.

* Potential surface and ground water impacts must be evaluated at the relocation sites. Relocated facilities cannot be located in an active flood plain or within an area with a water table less than 5 feet from the surface.

* The total surface area contained by the relocated facility cannot exceed the total surface area of the existing/abandoned feeding area or 500 square feet per animal unit. If loafing mounds are to be constructed at the relocated facility, the maximum allowable space per animal unit is 300 square feet. Square feet per animal unit must be based on the documented peak livestock concentrations at the existing feeding area.

* The bunk-line or feeding space per animal unit within the relocated system cannot exceed the space that was provided at the existing/abandoned facility or 1 ½ feet per AU .

* A relocated facility should be designed to achieve full compliance with current federal and state rules and regulations pertaining to livestock manure management. If full compliance will not be achieved, Section 319 support for the partial system must be approved by the NDDH. Construction designs for the relocation site must be approved by a registered professional engineer. Section 319 assistance obligated for the eligible components of the facility must be based on the approved NPS Program flat rates listed on pages 17 thru 19.

D. Partial Manure Management Systems

Although the preferred option is to install a total containment system, producer limitations may occasionally require the installation of partial systems. In general, a partial system is defined as a facility that only addresses a portion of the runoff or discharges from the feeding area. Section 319 financial and technical assistance can be used to install the components of a partial system that are designed to minimize runoff from or through an existing feeding area. Section 319 funds cannot be used to support partial systems at relocation sites, unless approved by NPS Program staff.

Prior to the installation of a partial system, the cooperating producer must be made aware that the planned system may not fully comply with current state or federal rules and regulations pertaining to livestock manure management. Information verifying the "producer's awareness of noncompliance" must also be included in the producer contract. Designs for the prescribed practices must be approved by a registered professional engineer.

E. Construction Scheduling

During the planning process, a facility construction schedule (start and completion dates) must be established and identified in the producer contract. If the system construction will take more than one

year, the start/completion date and scheduled practices for each phase (i.e., year) must be identified in the producer contract. The maximum allowable time frame for a construction schedule is limited to three years.

Practices associated with runoff containment or diversion must be installed during the first phase of a facility construction schedule. Installation of remaining practices such as fencing, watering facilities, seeding, and buildings, if applicable, should be scheduled to occur concurrently or during subsequent phases. Completion of all practices scheduled for a particular phase must be verified by the watershed coordinator and the design engineer before Section 319 cost share assistance can be solicited from the NDDH. All the appropriate forms or documents verifying completion must be included in the cost share request to the NDDH.

F. Procurement of Services and Bid Policies

Due to construction requirements associated with manure management facilities, it may often be necessary for cooperating producers to employ private contractors. The specific method used by the producer to secure a private contractor will generally be contingent upon the estimated costs and type of services needed. Local project coordinators should review all the approved procurement methods with the producer and assist them with the selection of the most applicable method. All requirements of the procurement method used by the producer (for small or large purchases) must be followed. Information on the approved procurement methods and definitions of small and large purchases are provided in Section XI.

G. Producer Inkind Contributions

Services provided by the cooperating producer to complete specific components of the livestock manure management facility can be a source of eligible inkind match. The value of producer contributions (per construction item) must be based on the cost estimates provided by the design engineer, unless written price quotes for the construction items are obtained (prior to construction) from two or more credible contractors or vendors. If sufficient price quotes are obtained, the applicable unit costs on the engineer's "cost estimate worksheet" can be adjusted and the value of producer inkind services can be based on the lowest unit costs from the price quotes. Producer inkind services per construction item identified on the engineer's cost estimate worksheet must be determined prior to construction and agreed upon by the producer, design engineer, and project sponsors. Documentation of the value of producer inkind services must be included in the producer's Section 319 contract.

H. NDDH Permits and Approval to Operate

Producers installing total containment systems designed to comply with current federal and state livestock manure management rules and regulations should be encouraged to obtain a permit, if applicable, or an "approval to operate" from the NDDH, Livestock Waste Systems Program. Technical assistance to solicit and gain NDDH approval of the completed system should be provided by the local watershed coordinator.

I. Unit Cost Flat Rates for Construction Items

The approved flat rates for each construction item must be used during the planning and design phase to estimate total facility costs; Section 319 cost-share assistance; and value of producer inkind services. Estimated total costs based on these flat rates will represent the maximum allowable costs or “inkind value” per construction item. However, with the exception of those items with designated “maximum cost allowances” (i.e., fencing), the maximum allowable costs per item can be increased if two or more written price quotes are obtained to verify actual local costs consistently exceed the current flat rate. The flat rates for the construction items with “maximum cost allowances” are fixed rates that cannot be exceeded. In addition, if the implementation of a construction item will require the use of a bid process to secure a contractor, the maximum allowable costs for that construction item must be revised to reflect the lowest responsive bid and the agreed upon bid amount(s) listed in the producer/contractor bid contract

Since the values generated by the approved flat rates will only reflect the estimated costs for each construction item, actual costs for the manure management facility must be documented with the appropriate receipts, vouchers, bid contracts, service agreements, etc. For those items that do not have a designated “maximum cost allowance” and involve a bid process or the purchase of “off-farm” services or materials, Section 319 cost share assistance or the value of inkind services must be based on the documented actual costs rather than the estimated values determined during the planning and design phase. In situations where a producer has agreed to complete a construction item with personal equipment, materials and labor, the value of the producer inkind services must be based on the appropriate flat rates. When applicable, the Section 319 assistance or value of inkind services for construction items with designated “maximum cost allowances” must be based on the actual documented costs not to exceed the established flat rates. Completion of all construction items for the entire facility or a specific construction phase must be verified by the design engineer and project staff before Section 319 cost share assistance can be requested from the NPS Program.

The current NPS Program flat rates are based on annual average bid prices from the ND Department of Transportation and local Section 319 project areas as well as the NRCS FOTG cost data tables. All the flat rates will be reviewed and updated, as needed, on an annual basis. Current approved flat rates for construction item unit costs associated with a manure management facility are as follows:

1) Soil/Concrete Testing

Test Pits, General	\$60.00/pit
Test Pits, Walk-in	\$75.00/pit
Initial Soil Testing	\$560/facility
Clay Liner Testing	\$660/facility
Concrete Testing	\$15.40/cylinder

2) Site Preparation

Tree/Obstruction Removal (maximum cost allowance)	\$1000/acre
Manure Removal (1 Operator)	\$500/day (not to exceed \$2,000)
Manure Removal (2 Operator)	\$1000/day (not to exceed \$2,000)
Fence Removal (maximum cost allowance)	\$0.60/ln.ft.
Temporary Fence (maximum cost allowance)	\$0.40/ln.ft.
Building Removal (Costs may vary with type & location)	\$1.50/sq.ft
Windbreak Fence Removal (maximum cost allowance)	\$4.00/ln.ft.

3) Earthwork

Excavation/Earthfill (within 500ft + machine compaction)	\$1.30/cy
Clay Liner (in-place, controlled compaction)	
Imported Clay <10 miles	\$10/cy
Local Clay	\$2.50/cy
Erosion Blanket	Matl. Cost + \$1.10/sq.yd.
Shaping, Grading, Mulching & Seeding	\$500/acre
Trenching < 5' Deep	Matl. Cost. +\$1.75/ft
Trenching > 5' Deep	Matl. Cost. +\$2.25/ft
Culvert Installation <36"	\$5.00/ft
Culvert Installation >36"	\$8.00/ft

4) Fill

Gravel Road Fill <10 Miles	\$10/cy
Drainfill <10 Miles	\$10/cy
Geotextile	Matl. Cost + \$0.15/sq.yd

5) Solid Separator Concrete

In-Place Concrete (material + installation)	
Flatwork	\$200/cy
Walls & Curbs	\$300/cy
Screens	\$80/screen
12" PVC Pipe	\$6.50/ln.ft.
12" PVC Elbow	\$100 each

6) Fencing

4-Strand Barbed Wire (maximum cost allowance)	\$1.00/ln.ft.
5-Strand High Tensile (maximum cost allowance)	\$1.00/ln.ft.
End Braces	\$65.00/each
Gates	\$80.00/each
Windbreak Fencing (maximum cost allowance)	\$8.00/ln.ft. (not to exceed 400ft.)

7) Watering Facility

Concrete Pad In-Place (max. size - 20'x20')	\$200/cy
Waterers (maximum cost allowance)	\$500/waterer
Waterline (costs will vary with size)	\$1.00/ln.ft. (1 ½ “ line)

8) Heavy Use Protection (limited to 12 ft. X 1 ½ ft./Animal)

Concrete In-Place	\$200/cy
Fencing (maximum cost allowance)	\$2.50/ln.ft.

9) Wells/Pumps/Water & Electrical Hookup

Due to the variability in size and costs, Section 319 cost share assistance or the value of inkind services for the installation (materials + labor) of wells and pumps will be based on the engineers estimate, lowest responsive price quote or lowest responsive bid. Costs associated with the protection or housing of wells and pumps will not be eligible Section 319 expenses or inkind match. The value of inkind services and Section 319 assistance for waterline and/or electrical hookups for watering facilities and pumps must be based on the lowest responsive price quote or bid.

10) Building Relocation

Section 319 cost share assistance for the relocation of existing buildings must be based on the lowest responsive price quote or contractor bid. Items eligible for cost share assistance include contracted moving costs and the installation of the building foundation and floor (if applicable) at the new site.

11) Building Replacement

If approved by NDDH, Section 319 cost share assistance can be used for the construction of new buildings to replace abandoned buildings. However, the level of Section 319 cost share assistance for new construction cannot exceed the level of assistance that could be provided to relocate the existing buildings. If new construction costs exceed the estimated moving costs, Section 319 support must be based on the estimated relocation costs, (i.e., costs for moving and new foundation). In the event the new construction costs are less than the estimated moving costs, Section 319 financial support must be based on the lowest responsive price quote or contractor bid for the construction of the new building.

12) Special Practices Costs

It is recognized that all potential costs associated with on-site construction or relocation of a manure management facility may not be included in this document. Section 319 financial support for items or practices not addressed in this document will be addressed on a case-by-case basis and must be approved by the NDDH.

J. Federal Animal Limitations for Large CAFO's

As previously indicated, large concentrated animal feeding operations are not eligible for Section 319 financial assistance. If a facility meets the definition for an AFO and the peak number of animals exceeds the federal limit listed below for that type of feeding operation, the facility is considered a large CAFO. Specific federal limits on the minimum number of animals for the most common types of large CAFO's are as follows:

<u>Animal Type</u>	<u>Minimum Number of Animals</u>
Cattle (includes heifers, steers, bulls, & cow/calf pairs)	1000
Mature Dairy Cows	700
Swine (> 55 lbs.)	2,500
Swine (< 55 lbs.)	10,000
Turkeys	55,000
Horses	500
Sheep or Lambs	10,000

XI. APPROVED METHODS AND REQUIREMENTS FOR PROCURING CONSTRUCTION SERVICES, EQUIPMENT AND SUPPLIES

Implementation of Section 319 projects may often require the purchase of various equipment and supplies as well as the employment of private contractors to construct some scheduled BMP. Practices that may require the acquisition of a private contractor include BMP such as livestock manure management facilities, clean water diversions, pipelines and ponds. Equipment purchases may include such items as computers, flow meters, and data loggers. Costs and qualifications of equipment vendors and contractors can often vary significantly within a project area.

To ensure the project sponsors or producers secure the most qualified contractor or vendor for the lowest possible cost, the appropriate procurement method must be utilized. When planning major purchases or selecting a contractor, each of the approved procurement methods must be reviewed by the project sponsors or cooperating producer to ensure they are aware of their responsibilities and the specific procurement method required for the proposed purchase or BMP construction. A summary of the approved methods for procuring construction services, equipment, or supplies are as follows:

A. Procurement Procedures for Small Purchases:

This category includes services, supplies, or other property that cost, in aggregate, between \$5,000 and \$25,000.

- C Provide the appropriate information to the potential contractors or vendors and obtain written price or rate quotations from two or more qualified sources.
- C Document the price quotes and dates they were received for each of the companies or vendors providing quotations.

B. Procurement Procedures for Large Purchases:

This category includes all services, supplies, equipment, or other property that cost, in aggregate, more than \$25,000. Sealed bids, competitive proposals, or noncompetitive proposals are eligible procurement methods for large purchases. The specific method that can be used may differ between projects and will be dependant on the conditions and requirements of the procurement method. Summaries of the requirements for each procurement process are as follows:

1) Sealed Bids:

(a) Procurement by Sealed Bid - Bids must be publicly solicited, with a firm-fixed price contract (lump sum or unit price) being awarded to the entity whose bid conforms with the material terms and conditions of the bid invitation, and is the lowest in price. The sealed bid process is the recommended method for securing constructions services. To ensure sealed bid procurement is the most appropriate method, the following conditions must apply:

- C Complete, adequate, and realistic specifications or purchase descriptions are available.
- C Two or more responsible bidders are willing and able to compete for the business.
- C The procurement lends itself to a firm-fixed price contract and selection of the successful bidder can be made principally on the basis of price.

(b) Sealed Bid Requirements: If a sealed bid process is used the following requirements must be met:

- C Publicly advertized bids must be solicited from two or more suppliers. All potential bidders must be made aware of the established bid opening time and location.
- C The bid invitation must be publicly advertized a minimum of 30 days prior to the established bid opening date.
- C If necessary, the producer may establish a bid holding period, not to exceed 20 days, to allow for closer review of bids and bidder qualifications following the bid opening date.
- C The bid invitation shall include specifications and pertinent attachments that clearly define the items or services associated with the project.
- C All bids must be publicly opened at a specified time and at the lead project sponsor's office. This specific time and location must be described in the bid invitation.

- C A written firm-fixed price contract award must be developed with the lowest responsive and responsible bidder.
- C Any or all bids may be rejected if there are sound documented reasons.

2) Competitive Proposals:

(a) Procurement by Competitive Proposal: The competitive proposal process can be utilized if more than one source can submit an offer and either a fixed-price or cost-reimbursement type contract will be awarded. This method is generally used when conditions are not appropriate for the use of sealed bids and factors other than the “lowest price” are needed to select the most appropriate services and/or entity.

This procurement process basically includes three phases or steps. The first phase involves a publicized request for proposals describing contractor qualifications and experience. Price quotes or bids are not included in this first phase. The second step of the process focuses on the review of proposals and the selection of the most qualified applicant. During the third and final phase, the producer and/or sponsors meet with the successful applicant to negotiate a mutually agreed upon price. If an acceptable price cannot be established, the producer and/or sponsor can obtain price quotes from the next most qualified applicants.

(b) Competitive Proposal Requirements: If the competitive proposal method is used the following requirements must be met:

- C The request for proposals must identify all evaluation factors and their relative importance and be publicly advertized.
- C The request for proposals must identify a deadline date and address for submitting proposals. A minimum of 30 days must be allowed for responses to the publicized request for proposals.
- C Proposals must be solicited from two or more qualified sources and submitted to the project sponsor’s office.
- C The project sponsors and/or individual(s) responsible for the review of the competitive proposals must have an established method for evaluating the proposals received and selecting the most appropriate proposal. The length of this review process should not exceed 20 days.
- C The contract award must be made to the entity or firm whose proposal is most advantageous to the project, with consideration given to the price and other factors necessary for successful completion of the project. This method should involve an evaluation of the competitors bid price and their qualifications and past experience relative to the project.

3) Noncompetitive Proposals:

(a) Procurement by Noncompetitive Proposals: This method involves the procurement of services through the solicitation of a proposal from only one source. Noncompetitive proposals can only be used when it has been determined through previous solicitations of multiple sources that competition for the project is inadequate. This method may not be used if the sealed bid or competitive proposal methods can be used to secure the necessary services.

(b) Noncompetitive Proposal Requirements: If the sealed bid or competitive proposal procedures are not feasible, the noncompetitive proposal procurement method may be used if one or more of the following circumstances apply:

- C The necessary services and/or items are only available through a single source.
- C A public emergency requiring the project will not allow for delays associated with other procurement methods.
- C The NDDH has approved the use of noncompetitive proposal procedures.
- C After solicitation of a number of sources, competition is determined to be inadequate. The NDDH must be involved in the process that is used to make this determination.

LIST OF APPENDICES

- Appendix A: Forms for Section 319 Long-Term Agreements
- Appendix B: Section 319 Cost Share Agreement Provisions
- Appendix C: Plumbing Codes for Private Sewage Disposal Systems

Appendix A

FORMS FOR SECTION 319 LONG-TERM AGREEMENTS

APPLICATION FOR EPA 319 WATER QUALITY COST SHARE ASSISTANCE	WATERSHED NAME:	COUNTY:
PRODUCER NAME:	CONTRACT NO.:	HYDROLOGIC UNIT CODE:

NOTE ◦ Below signed participant(s) request EPA 319 water quality assistance with the understanding that all practices shown below must be installed within scheduled dates and specifications as stated in the conservation plan of operations (CPO) as approved. This agreement becomes effective when approved and signed by all parties. Termination is December 31, 20 _____.

SPECIFIED CONSERVATION PRACTICES: The cost-share rate is 60% Federal and 40% producer match for all eligible practices.

ITEM NO.	FIELD NO. OR I.D.	PLANNED CONSERVATION TREATMENT (PRACTICE NAME AND CODE)	ESTIMATED AMOUNT (UNITS)	FLAT RATE OR ESTIMATED COSTS/ UNIT	COMPLETION SCHEDULE & ESTIMATED TOTAL COST BY YEAR (FOR NONCOST-SHARE ITEMS SHOW UNITS)				ESTIMATED BMP IN-KIND MATCH TO BE DONATED TO PROJECT SPONSORS				
					20__	20__	20__	20__	20__	20__	20__	20__	
1													
2													
3													
4													
5													
6													
7													
TOTAL PRACTICE COSTS: ◦			ANNUAL TOTALS ◦										
TOTAL BMP IN-KIND MATCH: ◦													
TOTAL SECTION 319 COMMITMENTS (60%): ◦			ANNUAL 60% ◦										
TOTAL PRODUCER MATCH REQUIRED (40%): ◦			ANNUAL 40% ◦										

I understand this application does not obligate the applicant or the Section 319 project sponsor to enter into a contract.

SOCIAL SECURITY NO.	NAME
ADDRESS	
SIGNATURE	DATE
CERTIFICATION BY DISTRICT CONSERVATIONIST	CERTIFICATION BY SPONSOR
I certify that the above conservation practices are needed and feasible.	I certify that the above EPA 319 Water Quality Application is Approved as request/certified by all representatives.
SIGNATURE	DATE
SIGNATURE	DATE

CONSERVATION PLAN SCHEDULE OF OPERATIONS (CPO)				WATERSHED NAME:				HYDROLOGIC UNIT CODE:.		COUNTY:		
PRODUCER NAME:				CONTRACT NO.:		TOTAL GRAZING ACRES UNDER CONTRACT:		TOTAL CROPLAND ACRES UNDER CONTRACT:				
Cost-Share Rate: 60% Section 319/40% Producer for all eligible BMP, unless otherwise noted under completion schedule.												
ITEM NO.	FIELD NO. OR I.D.	PLANNED CONSERVATION TREATMENT (PRACTICE NAME AND CODE)	ESTIMATED AMOUNT (UNITS)	FLAT RATE OR ESTIMATED ACTUAL COSTS/UNIT	COMPLETION SCHEDULE AND ESTIMATED COST-SHARE BY YEAR (FOR NONCOST-SHARE ITEMS SHOW UNITS)				BMP IN-KIND MATCH DONATED TO PROJECT SPONSORS			
					20__	20__	20__	20__	20__	20__	20__	20__
1												
2												
3												
4												
5												
6												
7												
TOTAL PRACTICE COSTS:				ANNUAL TOTALS °								
TOTAL BMP IN-KIND MATCH:												
TOTAL SECTION 319 COMMITMENT (60%):				ANNUAL 60% °								
TOTAL PRODUCER MATCH REQUIRED (40%):				ANNUAL 40% °								
CERTIFICATION OF PARTICIPANTS:												
SIGNATURE			DATE	SIGNATURE			DATE	SIGNATURE			DATE	
REVIEWING OFFICIALS SIGNATURES:												
DISTRICT CONSERVATIONIST TECHNICAL ADEQUACY CERTIFICATION				DATE		APPROVED BY SECTION 319 PROJECT SPONSOR				DATE		

**CONSERVATION PLAN
SCHEDULE OF OPERATIONS (CPO)
COMMENTS/REMARKS**

CONTRACT
YEAR:

WATERSHED NAME:

HYDROLOGIC
UNIT CODE:

COUNTY:

PRODUCER NAME:

CONTRACT
NO.:

TOTAL GRAZING ACRES UNDER
CONTRACT:

TOTAL CROPLAND ACRES UNDER
CONTRACT:

ITEM NO.	FIELD NO./ I.D.	Legal Description: Twp, Range, Sec, Qtr, Qtr.	PLANNED CONSERVATION TREATMENT (PRACTICE NAME AND CODE)	COMMENTS/REMARKS	COORDINATOR INITIALS
1					
2					
3					
4					
5					
6					
7					

APPLICATION FOR PAYMENT

WATERSHED NAME:

COUNTY:

PRODUCER NAME:

CONTRACT NO.:

PAYMENT APPLICATION NO.:

This information is used in both the development and implementation of a conservation plan as the basis for technical assistance and/or cost sharing. Furnishing this information is voluntary, and will be held confidential; however, it is necessary to obtain services and benefits you are seeking. It will also be used in connection with lawful request by other agencies providing technical assistance under the terms of this agreement/contract.

SPECIFIED CONSERVATION PRACTICES PERFORMED:

CPO ITEM NO.	FIELD NO./ID	PRACTICE AND CODE	AMOUNT (UNITS)	FLAT RATE/ ACTUAL COST PER UNIT	TOTAL BMP COST	319 COST/ SHARE (60%)	PRODUCER MATCH (40%)	BMP IN-KIND DONATED
TOTAL Producer Cost/Share and/or BMP In-Kind Donated:								

I certify that the above information is true and correct; and that the practice(s) for which cost share is requested are carried out and performed in accordance with the specifications and provisions of the above-numbered agreement/contract. I also certify that this application contains no duplication of payment under any other program of the U.S. Department of Agriculture or other Federal agencies.

SOCIAL SECURITY NO.:

NAME:

ADDRESS:

PRODUCER SIGNATURE:

DATE:

CERTIFICATION BY DISTRICT CONSERVATIONIST**CERTIFICATION BY SECTION 319 PROJECT SPONSOR**

I certify that the practice(s) specified in the above application have been properly carried out, and meet the standards and specifications of the above-numbered agreement/contract.

I certify that the above NPS 319 Water Quality Application is approved as requested/certified by all representatives.

SIGNATURE:

DATE:

SIGNATURE:

DATE:

COMMENTS: (Watershed coordinator must indicate date of compliance reviews for all BMP listed above. Also, indicate if the BMP are complete and installed according to designs and/or specifications.)

Appendix B

SECTION 319 COST SHARE AGREEMENT PROVISIONS

Section 319 Cost Share Agreement Provisions
(Attach to Producer's CPO)

Each undersigned person agrees to participate in the Section 319 Long Term Agreement (LTA) and to comply with the following terms set forth and approved by the Section 319 Project Sponsors for the period covered by this agreement. The terms are as follows:

- C The conservation and/or environmental practices identified herein address all the major nonpoint source pollution (NPS) concerns on the identified land units and will directly or indirectly improve the water quality and beneficial use conditions in the watershed project area. The specific corrective measures needed to reduce identified NPS pollution impacts to water quality and beneficial uses of the targeted waterbody are contained in the Conservation Plan Schedule of Operations (CPO) approved by the Section 319 Project Sponsors. All practices shall be performed according to the CPO and in accordance with the Natural Resources Conservation Service (NRCS) standards and specifications or alternative standards approved by the ND NPS Program that are in effect at the time the practice is performed. The practices shall be maintained for their normal lifespans even though the agreement has expired. Section 319 cost-share assistance for eligible practices will be issued upon completion of the practice and as scheduled in the agreed upon CPO or subsequently revised CPO approved by the cooperating producer/operator and Section 319 Project Sponsors.
- C The undersigned person recognizes that the implementation of some practices in the CPO may result in the generation of eligible in-kind match. The in-kind match value of the specific practices scheduled in the undersigned's CPO has been reviewed with Section 319 project staff. Based on the information reviewed and contained in the CPO, the undersigned agrees to donate the in-kind match as scheduled in the CPO to the Section 319 Project Sponsors to support technical assistance provided by the project.
- C Application for payment of Section 319 cost share assistance obligated for the completed practices scheduled under this agreement will be made on the ND NPS Program "Application for Payment" form which upon approval by the Section 319 Project Sponsors will become part of this agreement.
- C Each undersigned person is jointly and severally responsible for compliance with the terms and conditions of this agreement as to the conservation and environmental problems that will be addressed by corrective measures identified in the CPO on the specified land units on which the undersigned is an owner and/or operator and for refund of payments determined in accordance with the following regulations for failure to comply with the terms and conditions of this agreement.
 - C The undersigned voluntarily destroys the practice(s) installed.
 - C The undersigned voluntarily relinquish control and/or title to the land on which the installed practices have been established and the new owner and/or operator of the land does not agree in writing to properly maintain the practices installed for the remainder of its specified lifespan and/or continue to fulfill the remaining contract requirements.
 - C Practice failure is determined by sponsors to be caused primarily by the fault of the undersigned.
 - C Any part of the CPO that is not followed or completed as scheduled will be a contract violation and refund of all cost shared items will be collected depending on the violation hearing and ruling of the Section 319 Project Sponsors, unless advance notification and revision of the CPO is completed prior to the scheduled contract completion date.

I certify that I have read and understand the provisions listed above:

Signature: _____ Date: _____

Appendix C

PLUMBING CODES FOR PRIVATE SEWAGE DISPOSAL SYSTEMS