Message

From: Stein, Jonathan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2668E8F2733540B79ECD61FE8C6719A7-STEIN, JONATHAN]
Sent: 11/29/2019 7:54:13 PM
To: Nathan Cochran [ncochran@jcpawv.org]
CC: Rhines, Dale [rhines.dale@epa.gov]; Bell, Aaron L. [Bell.Aaron@epa.gov]; Monson, Mahri [Monson.Mahri@epa.gov]; Pantziris, Jack [Pantziris.Jack@epa.gov]; O'Lone, Mary [olone.mary@epa.gov]; Isales, Daniel [Isales.Daniel@epa.gov]
BCC: Temple, Kurt [Temple.Kurt@epa.gov]
Subject: EPA Assistance to JCC
Attachments: 04R 19-R3 JCC Funding Flowchart.docx

Hello Nathan-

Per prior conversations, we are attaching a synopsis chart of the flowdown of federal assistance to JCC from EPA to WVDEP by way of the Eastern Panhandle Regional Planning & Development Council (also referred to as "Region 9" throughout this email, and by the entity and by Jefferson County). The main grant is present on USASpending.gov (the official source for spending data for the U.S. Government) at https://www.usaspending.gov/#/award/47894712

As background, Federal financial assistance can take several forms – (1) the provision of actual financial assistance (generally grants to a state or local agency like WVDEP, special intergovernmental entity such as a local air or water authority, or a university like WVU, or a school district, or non-profit); (2) the provision of tangible assistance (such as provision of physical property, i.e. provision of a school bus(es) or provision of emissions-reduction equipment for the County school buses or public transportation vehicle(s) for a County or city transit agency, or provision of bulletproof vests to the police department, or provision of real property – i.e. assistance in building or modifying/improving infrastructure such as a hospital or wastewater treatment plant); or (3) the provision of practical assistance (such as the provision of technical assistance/substantive training of Federal staff, or provision of/for staff to the entity in question). All of these are considered as equivalent under the umbrella of "federal financial assistance".

Our understanding is that the mission of Region 9 includes the provision of financial and practical assistance to several counties in West Virginia, including Jefferson County, as well as several smaller independent cities/towns geographically within those counties. The grants in question relate to the Chesapeake Bay and the provision of a Watershed Implementation Plan (WIP) Coordinator as practical assistance for the counties. While the sub-grants given as examples in the attached chart were not themselves issued in the last year, the grant from EPA to WVDEP is active through 2021 and it appears that the WIP process is ongoing at least through August 2019 based on Jefferson County's budget documents and the work of Region 9.

Jefferson County's FY19 and FY20 budget documents (see respectively http://www.jeffersoncountywv.org/home/showdocument?id=14655 at PDF pages 154/571, 155/571 and 149/571, and http://www.jeffersoncountywv.org/home/showdocument?id=16406 at PDF pages 197/626, 198/626, and 189/626), and Region 9's websites (see http://www.region9wv.com/chesapeake-bay.html and http://www.wvca.us/bay/files/bay_documents/1298_WV_WIP3_final_082319.pdf) indicate that the Chesapeake Watershed & Air Quality Initiative, of which the WIP Coordinator is a part, are currently ongoing. The letters to JCC on January 19, 2018 and January 3, 2019 that are contained in Jefferson County's FY19 and FY20 budget documents noted herein specifically reference the WIP Coordinator's provision of practical assistance to the local governments. As such, it is our understanding that the WIP Coordinator provision constitutes practical assistance to JCC as the main governing body for Jefferson County.

While we would consider JCC to be a sub-recipient, as opposed to a direct recipient such as WVDEP, this would not absolve the County of obligations under the EPA civil rights regulation at 40 C.F.R. Parts 5 & 7. We look forward to discussion of any questions you may have about this further next week on the already-scheduled call.

Best Regards,

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