EPA

United States Environmental Protection Agency
Washington, DC 20460

Work Assignment

Work Assignment Number: 0-03

☐ Other ☐ Amendment Number:

Contract Number	Contract Period	Title of Work Assignment/SF Site Name
EP-C-16-003	07/01/2016 To 06/30/2017 Base X Option Period Number	Nutrient Pollution Support

Contractor: EASTERN RESEARCH GROUP, INC.

Specify Section and paragraph of Contract SOW: See PWS

Purpose:
- [X] Work Assignment
- [ ] Work Assignment Amendment
- [ ] Work Plan Approval
- [ ] Work Assignment Close-Out
- [ ] Incremental Funding

Period of Performance: From 03/28/2017 To 06/30/2017

Comments:

☐ Superfund — Accounting and Appropriations Data — [X] Non-Superfund

SFO (Max 2): ☐

Note: To report additional accounting and appropriations date use EPA Form 1900-69A.

Line	DCN (Max 6)	Budget/FY (Max 4)	Appropriation Code (Max 6)	Budget Org/Code (Max 7)	Program Element (Max 9)	Object Class (Max 4)	Amount (Dollars)	(Cents)	Site/Project (Max 8)	Cost Org/Code
1										
2										
3										
4										
5										

Authorized Work Assignment Ceiling

Contract Period: 07/01/2016 To 06/30/2017 Cost/Fee: LOE:

This Action:

Total:

Work Plan / Cost Estimate Approvals

Contractor WP Dated: Cost/Fee LOE:

Cumulative Approved: Cost/Fee LOE:

Work Assignment Manager Name: Danielle Stephan	(Signature) (Date)	Branch/Mail Code: Phone Number: 202-564-0759 FAX Number:
Project Officer Name: Tangela Cooper	(Signature) (Date)	Branch/Mail Code: Phone Number: 202-566-0369 FAX Number:
Other Agency Official Name	(Signature) (Date)	Branch/Mail Code: Phone Number: FAX Number:
Contracting Official Name: Brad Heath	(Signature) (Date) 3/28/2017	Branch/Mail Code: Phone Number: 513-487-2352 FAX Number:

PERFORMANCE WORK STATEMENT
CONTRACT EP-C-16-003
WORK ASSIGNMENT 0-03

TITLE: Support for NPDES Permitting Activities for Nutrient Pollution

WORK ASSIGNMENT CONTRACTING OFFICER'S REPRESENTATIVE (WACOR):

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PERIOD OF PERFORMANCE: March 28, 2017 through June 30, 2017

BACKGROUND:

Water Permits Division (WPD), within the Office of Wastewater Management (OWM), is responsible for the implementation and oversight of the National Pollutant Discharge Elimination System (NPDES) permit program. This program regulates point source discharges of pollutants to surface waters of the United States. To effectively implement the NPDES program, WPD develops national regulations, policies, and guidance, and supports the Environmental Protection Agency (EPA), Regions, Tribes, and States. WPD also provides technical support to the regulated community in assuring compliance with the Clean Water Act (and other statutes as they relate to the NPDES program).

Nutrient pollution consists of excess contributions of nitrogen and phosphorus to the Nation's surface waters and has consistently ranked as one of the top causes of degradation in U.S. waters for more than a decade. Excess nitrogen and phosphorus lead to significant water quality problems including harmful algal blooms, hypoxia and declines in wildlife and wildlife habitat; as recently seen in places like the Gulf of Mexico and Chesapeake Bay.

Current approaches developed to address permitting for toxic pollutants do not fully address the issues associated with developing nutrient permit limits that protect water quality standards. Many waterbodies do not have numeric criteria for nutrients. The effects of nutrient pollution are widespread and the sources are from both, point and non-point sources. Permitting authorities are often faced with a daunting task of protecting water quality, especially on impaired waters where no TMDL has been developed.

It is essential that WPD effectively communicate information related to nutrient pollution in NPDES permits and how state and regional permitting authorities can address nutrient pollution. Using existing data sources and information about existing state implementation procedures, WPD Developed and implemented a series of in-person trainings *to* ensure the NPDES program effectively and efficiently achieves programmatic goals and protects water quality related to nutrient pollution.

To assist permit writers in determining how to develop permit limits for nutrient pollutants under such conditions, EPA is;

1. Adapt "in-person" training materials that have already been developed and piloted with state and regional permitting authorities to an online version that will be more readily available to permit writers,
2. Support 7 "in person" nutrient trainings/workshops with state permit writers and managers over the next 5 years
3. Support state and regional permitting authorities develop implementation procedures and water quality-based effluent limits for nutrients
4. Reviewing state water quality standards, implementation procedures, permits with nutrient limits, reasonable potential procedures, nutrient reduction strategies, technical documents developed by external stakeholders, and other information sources to inform the development of additional training resources and options for additions nutrient permitting practices.
5. Providing regular updates on the status of nutrient limits and monitoring requirements in NPDES permits.

OBJECTIVE:

The objective of this work assignment is to provide technical support to EPA in its continued efforts to communicate information on nutrient pollution to NPDES permit writers on the state of nutrient requirements in NPDES permits, review and summarize state and regional implementation procedures related to nutrients, and update and develop online nutrients training materials. The target audience is NPDES permit writers, state and regional water program managers and other key NPDES program stakeholders, such as regulated point source dischargers.

As outlined above, technical support will include the following:

1. Nutrient Training Activities

a. **In-Person Training Materials and instructor** - the contractor shall provide support to EPA NPDES training staff for one instructor for an in person training in June 2017. The location and sate are still to be determined.
b. **Online Training Materials** -Technical support will include the adaptation of existing training materials used to train state and regional NPDES permit writers to an online version of the training. Support will also entail assisting EPA in informing, educating, and involving key NPDES program stakeholders and permit writers on issues affecting implementation of the NPDES program as it pertains to the training. Reference guidances includes but is not limited to, the Technical Support Document for Water Quality-based Toxics Control (1991), the U.S. EPA NPDES Permit Writers' Manual, Watershed-based NPDES Permitting Technical Guide, and Watershed- based permitting technical and implementation guidance, Water Quality Trading Toolkit for Permit Writers.

2. **White papers related to State nutrient permitting procedures and practices and alternative nutrient permitting practices (e.g. alternative statistics than those presented in the TSD, watershed approaches, predictive models etc.)** – the review and development of summary documents/white paper on the of current state and regional permitting practices related to the implementation of nutrient criteria both numeric and narrative, and additional/alternative permitting approaches, statistics, models and critical conditions identified in various external stakeholder technical documents (to be provided to the contractor from the WACOR) In order to narrow/focus these papers, the contractor and WACOR shall first engage in a scoping meeting to brainstorm what the scope of each of the topic papers will be.

Performance Work Statement: Contract Sections 3.4, 3.5, 3.7, 3.9

The administrative and technical tasks to be provided by the contractor under this work assignment shall support management, technical and logistical tasks associated with developing training materials and delivering the NPDES Permit Writer's nutrients training course, and review and analysis related to implementation procedures for nutrient water quality standards. The contractor will not be involved in Agency policy or decision making.

Task 1(Contract PWS 3.5, 3.9): Support and Participate in Workgroup and Work Planning Meetings

The contractor shall participate in up to 20 workgroup meeting/conference calls lasting up to 2 hours with the WACOR and key stakeholders to discuss the training materials and related document and workgroup comments. The contractor shall also participate in up to 8 work planning meetings with the WACOR, program experts and workgroup members. EPA will schedule and initiate each call or meeting. For each conference call, the contractor shall facilitate and provide technical subject matter expertise to these discussions.

Deliverables: Attendance at all calls

Task 2 (Contract PWS 3.9): Support for the NPDES Permit Writer's Training Course on Nutrient Pollution

Pre-course support: The Contractor shall provide technical support for updates to training materials developed for the "NPDES permit writers specialty workshop" under EPA CONTRACT NO. EP-C-11-009 Work Assignment 03. It is not anticipated that there will be an in person training during this Option period, however, this individual should be involved with editing and developing materials in Task 3.

Instructor(s): The Contractor shall provide one qualified instructor to conduct the NPDES Permit Writers' Training Course/workshop on Nutrient Pollution. Instructors will utilize the materials developed for the "NPDES permit writers specialty workshop" under EPA CONTRACT NO. EP-C-11-009 Work Assignment 03. Contractor will propose a draft list of names, biographical information and a resume for discussion with WACOR prior to submitting a final list to EPA. The instructors selected by the contractor and approved by EPA for a given course shall participate in several practice sessions and training planning sessions with EPA training staff to bring the contractor up to speed about the training ahead of presenting at an in person training. For planning purposes, the contactor should plan on up to 5 half day practice sessions at EPA HQ offices.

Deliverables:

	Deliverable	Due by
1	List of candidate instructors for EPA selection and approval	With work plan submission
2	Updated draft course materials	30 days after WACOR technical direction

Task 3 (Contract PWS 3.5, 3.9): EPA HQ NPDES Nutrients On-line Course for EPA WPD/OWM's NPDES Website:

EPA has developed and alpha tested an 8 module training for permit writers on how to adapt the TSD procedures for the use of developing water-quality based effluent limits for nutrients. The WACOR and team were in the process of incorporating edits from comments received during the alfa testing phase. Update shall include, but are not limited to ensuring that the scripts are updated and accurately reflect any changes to script and/or audio, the slide animation on all slides matches the audio, re-record any sections of the training that require content changes, and all available resources and hyperlinks are working properly.

The Contractor shall provide at least one individual who is an expert in developing online training materials using the "*articulate storyline*" software. In additional, the same individual identified in Task 2 above, should be involved in assisting WACOR in responding to and making updates to the materials for the online training based on comments from the Beta testing reference below.

Phase I: Finish incorporating comments and edits from alpha test of Nutrient training. The contractor shall use the "*Articulate: Storyline*" presentation development software to edit existing draft nutrient training and complete updating the presentation based on the outstanding comments. WACOR will provide the contractor with a spread sheet of the comments, sorted by priority and clearly identify which comments need to be completed before re-publishing the modules. For costing purposes, the contractor should assume only 2 of the 8 modules need to be edited in Phase I. the WACOR shall provide the contractor will all the necessary files, developed using the "Articulate Storyline" to the contractor so they can make the necessary changes. The contractor shall then publish all eight modules on an internal server, through which the WACOR and team will review the modules. For costing purposes the contractor shall assume that there are between 20 -40 outstanding comments to address in the training, 15-20 of which will require re-recording of the audio and editing of the script by EPA staff on the nutrients team. ***The contractor will deliver a final draft NPDES Nutrients on-line course for EPA's final review on an intra-agency link for the Beta test by or before (April 30, 2017).***

Phase II: Beta testing the modules. The final review production step is for the contractor to establish an EPA internal only (not live) intra-agency link or site for selected EPA HQ staff and the contractor to *Beta test* the draft final on-line EPA HQ NPDES **Nutrients** on-line course prior to it being posted "live." It is anticipated that the training will be reviewed by additional offices within EPA and all 10 EPA regional offices. This phase of testing is to ensure that the training is working properly on multiple platforms and identify any content issues that would cause problems for the Agency when this goes public. EPA offices that may be included in this phase of testing include, but are not limited to, The office of Science and Technology (OST), The office of wetland, ocean and watershed (OWOW), Office of Enforcement and Compliance Assurance (OECA), and Office of General Counsel (OGC). The WACOR will initiate the test, but the contractor shall be responsible for collecting and compiling comments. ***The contractor will deliver a matrix of comment received from all Beta testers for EPA's review within 15 days of receiving final comments.***

The WACOR working closely with the contractor will review the feedback/comments from the Beta testing trials and revise and finalize the on-line **Nutrients** course, as necessary, for possible concept refinements for better viewer understanding, errors in the visual or narration presentations, pacing or clarity of the presentations and/or how well the automated toggles or other course exercise features work including the certificate generation. ***The contractor will deliver a final draft NPDES Nutrients on-line course for EPA's final review within 30 days of final comments by WACOR.***

Deliverables:

	Deliverable	Due by
1	Monthly updates to detailed schedule with milestones	Monthly
2	draft NPDES Nutrients on-line course for EPA's final review on an intra-agency link for the Beta test	April 30, 2017

3	Matrix of comments from Beta Testing with recommended solutions/responses to comments	*within 15 days of receiving comments from Beta Testing*
4	draft NPDES Nutrients on-line course for EPA's final review after editing to incorporate comments from Beta test	*Within 30 days of final comments from WACOR.*

Task 3 (Contract PWS 3.4, 3.5, 3.7): Review of State nutrient permitting procedures and alternative nutrient permitting practices

The contractor shall research and develop a series of 3-5 white papers analyzing various aspects of nutrient permitting practices and procedures. Topics for these white papers may include, but are not limited to:

- implementation procedures of numeric nutrient criteria numeric
- implementation procedures of narrative criteria numeric,
- review of alternative critical conditions selection to support the adapted TSD approach to support content of the nutrient training developed under task 2
- technical review and policy impacts of alternative permitting approaches (alternative to TSD approach) identified in various external stakeholder technical documents (to be provided to the contractor from the WACOR)
    - Technology based approaches to permitting for nutrients
    - Watershed approaches to permitting for nutrients
    - Alternative statistical methods
    - Use of dynamic, predictive models

In order to narrow/focus these papers, the contractor and WACOR shall first engage in a scoping meeting to brainstorm what the scope of each of the topic papers will be. This scoping meeting shall occur no later than April 30, 2017.

For planning purposes, the contractor shall assume each paper will be no more than 10 pages in length and will contain a combination of technical analysis and policy/guidance review for impacts on existing regulations, policy and guidance.

ESTIMATED LEVEL OF EFFORT: 670 Hours

REPORTING:

Reports shall be submitted in accordance with the reporting requirements of the contract. In addition, the contractor shall maintain contact with the WACOR to advise the WACOR of progress and problems. All documents shall be delivered in a format compatible with Microsoft Office 2013, HTML, and/or PDF format, as requested by the WACOR. The contractor shall notify the WACOR immediately when expenditures of 75% and 90% of the work assignment LOE or funding (including pipeline costs) are reached.

The contractor shall be prepared to submit for inspection copies of all work in progress any time as requested by the WACOR. The contractor shall not release information or comments on works performed under this work assignment without the WACOR's prior written authorization. Wherever practicable, any written materials submitted to EPA must be doubled-sided and on recycled paper. Any computer disks submitted to the WACOR shall be scanned for and identified as free from viruses.

ANTICIPATED TRAVEL REQUIREMENTS:

Some limited local travel may be necessary to attend meetings with the WACOR.

ADDITIONAL REQUIREMENTS:

Upon issuance of written technical direction, the contractor shall submit for inspection all work in progress at any time under this work assignment. The contractor shall develop and maintain files supporting each task. The contractor shall contact the EPA Contract-Level Contracting Officer's Representative (CL-COR) and/or WACOR by telephone to discuss any problems that may adversely affect the work on this Work Assignment. Within five (5) calendar days the contractor shall follow the phone call with a brief written explanation of the problem, including any actions already taken, and/or recommended solutions to correct the problem. Written explanation shall be made available to the EPA CL-COR and the WACOR.

CONTRACTOR IDENTIFICATION:

To avoid any perception that contractor personnel are EPA employees, the contractor shall assure that contractor personnel are clearly identified as independent contractors of EPA when attending meetings with outside parties or visiting field sites.

CONTROL REQUIREMENTS:

Quality Assurance Project Plan (QAPP):

A quality assurance project plan (QAPP) is not required for this work assignment.

Organizational Conflict of Interest:

The contractor shall warrant that, to the best of the contractor's knowledge and belief, there are no relevant facts or circumstances which could give rise to an organizational conflict of interest, as defined in FAR Subpart 9.5, or that the contractor has disclosed all such relevant information. See contract clause 1552.209-71 Organization of Conflict of Interest.

Notification of Conflicts of Interest Regarding Personnel:

The Contractor shall immediately notify the Project Officer and the Contracting Officer of (1) any actual or potential personal conflict of interest with regard to any of its employees working on or having access to information regarding this contract, or (2) any such conflicts concerning

subcontractor employees or consultants working on or having access to information regarding the contract, when such conflicts have been reported to the Contractor. A personal conflict of interest is defined as a relationship of an employee, subcontractor employee, or consultant with an entity that may impair the objectivity of the employee, subcontractor employee, or consultant in performing the contract work. See Section H.4, contract clause EPAAR 1552.209-73 Notification of Conflict of Interest.

Enforcement Sensitive Information:

The contractor recognizes that contractor employees in performing tasks specified by this WA may have access to data/information, either provided by the government or first generated during contract performance, of enforcement sensitive nature which should not be released to the public without Environmental Protection Agency (EPA) approval. Enforcement sensitive refers to records or information compiled for law enforcement purposes (whether administrative, civil or criminal), the disclosure of which could reasonably be expected to interfere with the enforcement action. It is imperative that all contractor personnel, including but not limited to, subcontractor and consultant personnel assigned to work on this contract and/or WA, or with access to materials developed pursuant to such efforts, understand that this information is confidential and any disclosure or misuse of the information may result in prosecution to the fullest extent of the law. All contractor personnel are expected to exercise due diligence in safeguarding, handling or disposing of any such information.

Project Employee Confidentiality Agreement:

The contractor agrees that the contractor employee will not disclose, either in whole or in part, to any entity external to the EPA, the Department of Justice, or the contractor, any information or data (as defined in FAR Section 27.401) provided by the government or first generated by the contractor under this contract, any site-specific cost information, or any enforcement strategy without first obtaining the written permission of the EPA Project Officer. If a contractor, through an employee or otherwise, is subpoenaed to testify or produce documents, which could result in such disclosure, the contractor must provide immediate advance notification to the EPA so that the EPA can take action to prevent such disclosure. Such agreements shall be effective for the life and for a period of five (5) years after completion of the contract.

Handling of Confidential Business Information (CBI):

Contractor's access to TSCA CBI must comply with the procedures set forth in the TSCA CBI Security Manual. Likewise, access to FIFRA CBI shall follow the security procedures set forth in the FIFRA Information Security Manual.

To the extent that the work under this contract requires access to proprietary or confidential business or financial data of other companies, and as long as such data remains proprietary or confidential, the contractor shall protect such data from unauthorized use and disclosure.

All files or other information identified as Confidential Business Information (CBI) shall be treated as confidential and kept in a secure area with access limited to only contractor personnel

directly involved in the case or special project assignment. The contractor, subcontractor, and consultant personnel are bound by the requirements and sanctions contained in their contracts with the EPA and in EPA's confidentiality regulations found at 40 CFR Part 2, Subpart B. Subcontractors and consultants must adhere to EPA-approved security plans which describe procedures to protect CBI, and are required to sign non-disclosure agreements before gaining access to CBI.

All official data, findings, and results of investigations and studies completed by the contractor shall be available for EPA and DOJ internal use only. The contractor shall not release any part of such data without the written direction of the WACOR.

Conference/Meeting Guideline and Limitations:

The contractor shall immediately alert the WACOR to any anticipated event under the work assignment which may result in incurring an estimated $20,000 or more cost, funded by EPA, specific to that event, meeting, training, etc. Those costs would include travel of both prime and consultant personnel, planning and facilitation costs, AV and rental of venue costs, etc. The WACOR will then prepare approval internal paperwork for the event and will advise the contractor when appropriate signatures have been obtained. At that point, effort can proceed for the event. If the event is being sponsored by another EPA organization, the organization providing the planning is responsible for the approval.