

South Carolina Department
of Environmental Services.
FY24 HHPD.
Contact: John M. McCain,
803-898-8178,
john.mccain@des.sc.gov

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES

ADMINISTRATIVE PLAN FOR THE FY24 HIGH HAZARD POTENTIAL DAMS REHABILITATION GRANT



**SC DEPARTMENT *of*
ENVIRONMENTAL
SERVICES**

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**SOUTH CAROLINA
STATE ADMINISTRATIVE PLAN
FOR THE
HIGH HAZARD POTENTIAL DAMS REHABILITATION GRANT PROGRAM**

BASIC PLAN

I. PURPOSE

This plan establishes policies and procedures to request, obtain, and administer grants under the High Hazard Potential Dams (HHPD) Rehabilitation Grants as authorized by the Federal Emergency Management Agency (FEMA), the National Dam Safety Program Act (Pub. L. 92-367), as amended, 33 U.S.C. 467f-2, and the Department of Homeland Security Appropriations Act, 2021 (Pub. L. No. 116-68).

This plan shall be updated as necessary to include all relevant procedural changes.

II. GENERAL

- A. The High Hazard Potential Dams Rehabilitation Grants, administered as part of FEMA's National Dam Safety Program (NDSP) provides technical, planning, design, and construction assistance in the form of grants to non-Federal governmental organizations or nonprofit organizations for rehabilitation of eligible high hazard potential dams.
- B. The South Carolina Department of Environmental Services (SCDES) is the designated State Administrative Agency (SAA) to both administer and be an applicant for this grant based on its authority derived from Title 49, Chapter 11, Article 3 of the South Carolina Code of Laws as the state's dam safety regulatory authority.
- C. HHPD rehabilitation grant awards have a cost-share requirement of maximum 65 percent Federal and 35 percent non-Federal.

III. RESPONSIBILITIES

- A. Responsibilities
 - 1. South Carolina Department of Environmental Services (SCDES)
 - a. Identification of the State Official responsible for all matters related to the HHPD Rehabilitation Grant Program. The State Official designated with this responsibility is Jill C. Stewart, P.E., Director of the Dam Safety and Stormwater Permitting Division of the SCDES. Should this responsibility change, FEMA will be notified

in writing of the replacing individual and the beginning date for these duties.

- b. Work with South Carolina Emergency Management Division (SCEMD) to ensure the State Hazard Mitigation Plan is updated to account for changes to planning requirements under the HHPD program within one year of receiving the grant award.
- c. Monitor and submit quarterly financial and progress reports to FEMA; and
- d. Ensure that proper close-out procedures are followed.

IV. STAFFING AND TRAINING

- A. SCDES will have 3 staff responsible for executing the activities of this project.
 - 1. SCDES staff:
 - a. John M. McCain, P.E., Program Manager I - Responsible for overall administration of FY24 HHPD grant program, including all financial and program matters.
 - b. Brittany C. Felder, Environmental Health Manager III (Grant Manager) –Responsible for daily functioning of program. Ensures applicant match for federal funds is met. Ensures quarterly reporting is submitted on time. Responsible for requests for amendments to scope of work and period of performance. Coordinates sub-recipient compliance via monitoring visits by regional engineering staff.
 - c. Meagan A. O’Leary, Environmental Health Manager I - Reviews sub-recipients requests for reimbursement and included invoices and recommends or does not recommend payment. Works with sub-recipients to resolve discrepancies or missing documentation in requests for reimbursement.
 - 2. SCDES will evaluate staffing levels to ensure appropriate administration and execution of the project in accordance with the approved scope of work, project timeline, and grant period of performance. Should issues be identified, SCDES will assign additional staff or contractors to support the project to ensure completion within the approved POP.
 - 3. SCDES staff are hired based on the agency’s hiring practices and procedures. Staff training is a combination of both agency standard learning

plans and on-the-job training based on the employee’s position, duties, and current level of expertise. No new training is anticipated as the functions required for administration of the FY24 HHPD grant are similar to those that are already being performed under the routine operation of the Dam Safety Program in administering its National Dam Safety Program State Assistance grant. Furthermore, the Grant Manager for this grant as well as SCDES’s Bureau of Finance (the office within SCDES that executes the cash draws on the grant) are highly experienced in the utilization and administration of Federal grant awards from both FEMA the US Environmental Protection Agency. See Appendix A for an illustration of this arrangement.

4. SCDES’s organizational structure as it relates to management of the HHPD grant is provided in Appendix A.

V. ELIGIBILITY REQUIREMENTS

- A. The SCDES is the State Administrative Agency (SAA) that houses the state’s Dam Safety Program. Furthermore, the South Carolina Dams and Reservoirs Safety Act (SC Code Ann., Section 49-11-110, et seq.) authorizes SCDES to promulgate regulations for dam safety; classify dams according to hazard potential; issue permits in accordance with said regulations for construction, repair, alteration, and removal of dams; conduct safety inspections of dams; issue orders for maintenance and repairs of dams; enter onto private property and take action to remedy unsafe dams where dam owners either cannot or will not; issue fines; and require Emergency Action Plans. Only one FY24 HHPD application will be submitted from the State of South Carolina. The State Hazard Mitigation Plan was amended with the creation of a Dams Annex that incorporates “all dam risk.” FEMA approved the Dams Annex to the State Hazard Mitigation Plan on September 4, 2020. This establishes SCDES as an eligible applicant for the FY24 HHPD Grant.

VI. SUBAPPLICANTS

- A. SCDES plans to review sub-applications and make sub-awards as part of this grant and its planned activities. SCDES intends to notify owners of eligible dams of the open window to submit sub-applications for pre-construction and construction activities associated with repair, rehabilitation, or removal of their dams. Eligible sub-applicants will be provided information on the application process, program eligibility and key deadlines via an annual webinar prior to the opening of the application submission window. During the application submittal window, an application may be re-submitted if the applicant finds an error, mistake or omission in what was submitted. For this reason, it is important to submit applications early

so there will be time to re-submit an application should a mistake be discovered; however, SCDES will NOT be reviewing applications during the application submittal window.

- B. Sub-applicant eligibility will be determined based on i) SCDES determination that the dam is eligible, and ii) a requirement that the sub-applicant establish its eligibility in their application documentation. Private dam owners are ineligible to serve as a sub-recipient for this grant; therefore, an eligible project sponsor will be required to submit an application on behalf of any privately-owned dam. The 9 eligibility criteria found in Section C.3. of the FY24 NOFO must be individually addressed and demonstrated to be met in the grant application.
- C. Construction projects (i.e., structural and non-structural rehabilitations, and dam removal) will be funded from this funding opportunity along with pre-construction activities such as planning, preliminary engineering, and final design engineering.
- D. After passage of the application deadline, SCDES will perform an initial screening of all applications for accuracy, completeness, and applicant eligibility. Applications that don't meet applicant eligibility criteria established in the FY24 NOFO will not be reviewed further and those applications denied. Incomplete applications, or applications containing inaccuracies will be rejected, unless SCDES determines that the missing and/or inaccurate information does not represent a substantial or material deficiency. While it is impossible and impractical to establish a complete list of all insubstantial/immaterial inaccuracies and omissions that could be encountered, examples include:
 - Minor spelling, grammatical, or typographical errors that do not affect the sub-applicant's meaning or intent, as determined by SCDES;
 - Inconsequential mistakes or inaccuracies in values, figures, or calculations, as determined by SCDES;

Examples of inaccuracies and omissions that are considered substantial/material and would likely result in a sub-applicant's application being rejected include:

- Missing signature(s) or incomplete fields on the sub-award application form, SCDES Form Number D-4132;
- Any missing components of a complete application (an application checklist outlining all major components of a complete FY24 HHPD sub-

application will be provided in SCDES's FY24 HHPD Notice of Funding Opportunity);

- Any demonstrably untrue or inaccurate statements;
- An application that does not clearly establish the source of applicant's non-Federal matching funds;
- Illegible documents or portions of documents (it is the applicant's responsibility to review and verify the legibility of the application prior to transmittal; this especially includes scans of documents).

E. A review panel formed by SCDES will review, prioritize, and select the applications deemed eligible and complete to create a list of proposed sub-awards, i.e., a "Finalists List." The Finalists List will be ranked using the following scoring rubric:

- a. 50% – Risk Screening ranking (i.e., the sub-award applications representing the greatest reduction in risk as determined by use of the USACE's Dam Screening Tool and FEMA's Project Prioritization Tool);
- b. 50% – Individual ranking by the review panel members;
- c. Ties will be broken by vote of the review panel;

F. The review panel will consist of the following five members:

- a. Director, SCDES Dam Safety and Stormwater Permitting Division;
- b. Manager, SCDES Dam Safety Program;
- c. A representative of the State Hazard Mitigation Office, SC Emergency Management Division;
- d. A licensed Professional Engineer with dam safety experience from SCDES's engineering consultant, CDM Smith (this person cannot be involved in any contracts assisting FEMA's National Dam Safety Program);
- e. A conservation engineer with the Natural Resources Conservation Service (dams built under the authority of the Secretary of Agriculture are not eligible for this grant).

- G. Awards will be made to the highest-ranking applications as determined by the Risk Screening and review panel rankings. Based on the size of SCDES’s award from FEMA and the total of all federal funding requests taken from the Finalists List, the number of awards (i.e., the “cut-off”) will be determined by a vote of the review panel.
- H. Generally, revisions to applications will not be allowed after the submission deadline. If the need for revision becomes necessary, all applicants will be given the opportunity to revise their applications. Examples of circumstances in which this would be allowed include:
 - a. SCDES revises its Notice of Funding Opportunity for the FY24 HHPD grant opportunity (includes revisions to this State Administrative Plan) in a way that necessitates changes to the applications;
 - b. Total federal share of the proposed sub-awards exceeds SCDES award from FEMA and SCDES must reduce the proposed sub-awards by an equal percentage. In this case, sub-applicants will be given the opportunity to revise their project Scopes of Work and budgets or withdraw their applications.

Applicants should thoroughly review their applications and submit early, so that any mistakes, inaccuracies, omissions, etc., can be corrected and resubmitted before the submission deadline.

- I. The proposed subawards will be submitted to FEMA in the form of an amended Scope of Work/Project Workplan for review and approval. This will be done via FEMA GO.
- J. Upon FEMA approval of SCDES’s amended Scope of Work/Project Workplan proposing subawards, SCDES will execute subaward agreements within 90 days of the notification of an approved amendment from FEMA GO.
- K. Cost share or cost matching required of sub-recipients is no less than 35% from a non-Federal source for all sub-awards issued by SCDES. The requirements for cost sharing or cost matching found in 2 CFR 200.306 will govern SCDES’s enforcement of this requirement.

VII. PROJECT REVIEW AND COORDINATION PROCEDURES

- A. Coordinate with the State Coordinator for the National Flood Insurance Program (NFIP) and review all applications to determine if:
 - 1. The projects comply with the State’s Floodplain Management policies, procedures, and requirements; and

2. The applicant is a member in good standing with the NFIP (44 CFR 206.437(4)(iv)).
- B. Coordinate with FEMA, the South Carolina Department of Natural Resources (SCNDR), the State Historic Preservation Office (SHPO), and other relevant state and federal agencies to conduct Environmental and Historic Preservation reviews of all projects. This will include issuing Findings of No Significant Impact (FoNSI) or Environmental Impact Statements (EIS) where applicable.
 - C. Coordinate with FEMA to utilize Unified Federal Review (UFR) for project review by Federal agencies with oversight and/or regulatory authority over potential project areas. This includes any environmental reviews by Federal agencies including, but not limited to U.S. Fish and Wildlife, National Oceanic and Atmospheric Administration, U.S. Army Corps of Engineers, and other Federal Tribal Partners required for project review and concurrence.
 - D. Technical assistance for applicants and sub-recipients will be provided by SCDES in the form of:
 1. A webinar for all High Hazard dam owners on a date that is to be determined. The webinar will cover all aspects of the FY24 HHPD grant program, to include:
 - a. Background and available funds
 - b. Dam eligibility
 - c. Applicant eligibility
 - d. Eligible/allowable activities
 - e. Grant application process and timeline
 - f. DHEC's application review and award selection process
 - g. State and Federal requirements of a grant award
 2. Coordination with the State Hazard Mitigation Office located in SCEMD to provide assistance to local and/or tribal governments who request an extension to develop a Local Hazard Mitigation Plan that incorporates all dam risk and complies with the Disaster Mitigation Act of 2000 (P.L. 106-390; 114 Stat. 1552).
 3. SCDES is the recipient of many Federal awards, several of which are subsequently passed through to sub-recipients. A Grants Compliance Division already exists within the SCDES Bureau of Financial Management (see Appendix A), and said division already conducts trainings for sub-recipients. A training video has been developed, and individual training sessions with sub-recipients can be arranged as needed. SCDES has all necessary procedures in place to ensure recipient and sub-recipient

compliance with 2 CFR 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

VIII. FINANCIAL AND GRANT MANAGEMENT

Grant funds will be accounted for in accordance with State laws and procedures for expending and accounting for funds. Accounting procedures and fiscal control of the Recipient and Subrecipients will be sufficient to permit preparation of reports required by 2 CFR 200 Subpart D - Post Federal Awards Requirements, and the tracing of funds at a level to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes.

A. Grant Management

1. Quarterly Reporting and Monitoring

- a. As the applicant, SCDES will monitor, evaluate, and report the progress of its project activities according to the following:
 - i. Scope of Work;
 - ii. Project timeline;
 - iii. Work plan;
 - iv. Financial activity;
 - v. Administrative Requirements of 2 CFR part 200; and
 - vi. Any applicable State requirements.
- b. Federal Financial Reporting (FFR) requirements will be complied with by SCDES through reports of expenditures on a quarterly basis through the FFR to DHS/FEMA electronically using the Payment and Reporting System (PARS).
- c. SCDES will provide quarterly financial reports no later than January 30 (Quarter 1), April 30 (Quarter 2), July 30 (Quarter 3), and October 30 (Quarter 4) of each year through the end of the POP or grant closeout, whichever occurs first.
- d. SCDES will provide programmatic progress reports for each year of the POP as follows: First Report by October 30. Subsequent quarterly programmatic reports will be submitted on January 30, April 30, July 30, and October 30. Final Report by October 30.

B. Financial Administration

1. Requirements and Procedures for Obtaining Authority to Receive and Expend Unanticipated Federal and Other Funds:

- a. Section 2-65-30, Code of Laws of South Carolina, 1976, as amended, allows State agencies and institutions to receive and spend unanticipated Federal and other funds.
- b. Unanticipated means those funds not included in the General Appropriation Act. However, the agency or institution must submit an expenditure proposal to the Executive Budget Office, Department of Administration prior to submission of the proposal to the Recipient agency.
- c. The Recipient agency or institution should receive authorization from the Department of Administration, Executive Budget Office.

2. Advances

- a. This is a reimbursement only grant program. Requests for advance payment will not be considered by SCDES.

3. Reimbursements

- a. This program will only reimburse sub-recipients for eligible costs incurred on activities within the approved Scope of Work.
- b. Reimbursement requests from sub-recipients shall not be submitted to SCDES more frequently than once every 30 days.
- c. Reimbursement requests shall be provided in the format required by SCDES, which will be provided as an attachment to the sub-recipient's award agreement.

C. Project Period of Performance

- 1. The Period of Performance (POP) for the program begins on the date of receipt by SCDES of an award from FEMA and ends 36 months later. Extensions to this POP are allowed. Extensions to the initial period of performance identified in the award will be considered only through formal, written requests to the FEMA/ Federal Insurance and Mitigation Administration, Risk Management Directorate and must contain specific and compelling justifications as to why an extension is required. The justification must address:
 - a. Grant Program, Grant Year, and award number;
 - b. Reason for delay – this must include details of the legal, policy, or operational challenges being experienced that prevent the final outlay

of awarded funds by the applicable deadline. The reason must also be of significant extenuating circumstances;

- c. Current status of the activity/activities;
- d. Approved period of performance termination date and new project completion date;
- e. Amount of funds drawn down to date;
- f. Remaining available funds;
- g. Revised delineated budget outlining how remaining federal grant funds will be expended by approved task;
- h. Plan for completion including milestones and timeframes for achieving each milestone and the position/person responsible for implementing the plan for completion; and
- i. Certification that the activity/activities will be completed within the extended period of performance without any modification to the original Statement of Work approved by FEMA.

SCDES will submit any extension request within sixty (60) calendar days prior to the period of performance end date, through the FEMA GO system for review by the FEMA National Dam Safety Office for final review and Amendment approval consideration. Extension requests must meet the Extensions requirements as listed above.

D. Cost Overruns

1. If a sub-recipient cost overrun appears to be imminent, the sub-recipient is responsible for contacting SCDES immediately so that appropriate action can be taken to evaluate whether remaining funds and commitments to other sub-recipients make approval of the cost overrun possible. If SCDES determines remaining/available funds are sufficient that approval of the cost overrun is at least possible, SCDES will provide instruction to the sub-recipient to prepare an official request with all necessary supporting documentation and a thorough explanation/justification for the overrun. If SCDES's approval of the cost overrun does not appear possible due to remaining funds and commitments to other sub-recipients, the sub-recipient will be informed promptly.
2. The overrun must be clearly documented and thoroughly explained, and the request for approval shall be submitted in writing to SCDES.
3. The sub-recipient's official request for payment of cost overruns must be evaluated by SCDES. SCDES retains sole authority to approve or deny cost

overruns. A decision to approve or deny payment of the cost overrun will be made within 15 working days. Appeals of SCDES's decision to approve or deny cost overruns are allowable under the procedure found in Section E. Appeals.

E. Appeals

1. An eligible sub-applicant or sub-recipient may appeal any SCDES or FEMA determination related to a sub-application or sub-award. Examples of decisions that may be appealed are: eligible/ineligible cost determinations, approval/denial of cost overruns, approval/denial of a request for sub-award amendment, approval/denial of any change in project scope, etc.
2. Appeals of SCDES determinations made to the SC Administrative Law Court must follow the same procedure that applies to all SCDES staff decisions Agency-wide. This procedure is found in S.C. Code Ann. § 48-6-30.

F. Revisions and Amendments

1. Once SCDES's application is approved by FEMA and an award issued, a change to any of the below components of the approved application will require SCDES to submit a grant amendment request to FEMA via FEMA GO. The following require FEMA approval and a grant amendment to change:
 - a. State Administrative Plan;
 - b. Budget;
 - c. List of Eligible Dams;
 - d. List of Subawards and approved subrecipient activities (i.e., subrecipient's Scope of Work);
 - e. Statement of Assurances.

G. Closeout Procedures

1. Final inspection of a project will be performed within ninety (90) days of project completion.
2. SCDES will prepare a report of final inspection, including deliverables of the project, to be submitted to FEMA for close-out.

3. Prior to close-out, all finances must be reconciled.
4. SCDES will submit a Final SF-425, final Programmatic Progress Report, and a narrative summary of the impacts of the funded activities and accomplishments no later than 90 days after the end date of the POP.

H. Audit Procedures

SCDES will provide for annual audit. This audit will be conducted in accordance with applicable Office of Management and Budgets Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," as well as any policy, procedure or guidance issued by the Recipient.

1. Within thirty (30) days of the receipt of the non-federal audit, SCDES shall provide FEMA with the following:
 - a. Two copies of the Audit Report;
 - b. An amended Federal Status Report in agreement with the audit, accompanied by a trial balance;
 - c. Any unobligated fund balance due as a result of audit adjustments;
 - d. A response to all questioned cost, relating to this Grant, and;
 - e. Any other adjustments, explanations or information that may be pertinent to the Grant.

I. Records Maintenance

The Subrecipient shall maintain all records pertaining to the project and the funds received under this grant until all issues relating to inspections and audits are complete and all actions or resolutions are resolved. Records shall be maintained for three (3) years after the date FEMA completes closeout of SCDES's final project. Access to those records must be provided at reasonable times to the Comptroller General of the United States, the Recipient, its employees and agents, and to FEMA, its employees and agents as requested.

APPENDICES

APPENDIX A Organizational Charts

APPENDIX A – Organizational Charts

