



**DRAFT Notice of Funding Opportunity**

**Federal Fiscal Year 2024 (FFY24) High Hazard Potential Dams Rehabilitation Grant**

**REVISION: N/A (DRAFT)**

**Revision Release Date:** September 12, 2024 (DRAFT release)

**Application Deadline:** November 1, 2024

**Application Submittals:**

**Via Mail:** SCDES – BOW  
Dam Safety Program  
2600 Bull Street  
Columbia, SC 29201

**Via Electronic Mail :** Brittany.Felder@des.sc.gov  
(Read receipt requested)

**Key Points for Interested Applicants:**

1. A South Carolina Department of Environmental Services (SCDES) and Federal Emergency Management Agency (FEMA) review has determined 43 state-regulated dams classified as having High Hazard Potential (HHPD) are eligible to receive FEMA HHPD rehabilitation grant funds for FFY24. Applications will only be accepted that propose eligible activities for one or more of these 43 dams. FEMA is not allowing additional dams to be added to the eligibility list for FFY24. The 43 eligible FFY24 HHPD dams are listed under Eligibility Criteria below.
2. Privately-owned dams are eligible to receive grant funds, but private owners are ineligible to apply for this grant. **Non-federal governments (i.e., state, county, municipal) and 501(c)(3) or 501(c)(4) non-profit organizations are the only entities eligible to apply.** An eligible applicant as defined above may choose to act as a Project Sponsor for a privately-owned dam solely at its own discretion and at its own risk.
3. Grant awards will be executed via sub-award agreement between SCDES and the Project Sponsor. Where the Project Sponsor is not the dam owner, a separate agreement will be required between Project Sponsor and dam owner.

4. Funding will only be provided via reimbursement. Only eligible costs that have been incurred, paid for, and properly documented are eligible for reimbursement. No grant funding will be provided prior to the performance of an eligible activity.
5. Awarded funds cannot be used to reimburse any pre-award activities. Any costs incurred before an award is made are ineligible for reimbursement. The date of award is the day FEMA notifies SCDES in FEMAGO that its HHPD workplan and budget have been approved.
6. Grant funds cannot be used to address dam deficiencies that have come about due to a lack of routine operation and maintenance or maintenance being deferred. Routine operation and maintenance activities include, and are not limited to mowing, removal of woody vegetation, addressing erosion, and operating/servicing fixed equipment (gates, valves, valve stems, hand wheels, etc.).
7. Grant funds cannot be used on any activities associated with an already-breached dam. The primary goal of this grant program is to reduce risks posed by HHPDs that do not meet minimum dam safety standards and pose an unacceptable risk to the public. Existing breached dams are already in a very low-risk condition and activities on those dams, including repairs, may actually increase downstream risk.
8. To receive grant funds, the county in which the eligible dam is located must have a FEMA-approved county Hazard Mitigation Plan that incorporates “all dam risks”. At the time of this notice, five counties (Richland, Anderson, Oconee, Pickens, and Spartanburg) have an approved Hazard Mitigation Plan that meets this requirement. For dams outside of these five counties, you will need to coordinate with county emergency management officials to work towards updating these plans and a letter from applicable county officials to FEMA requesting a 12-month extension to update the county’s Hazard Mitigation Plan is **required** in every grant application for it to be considered complete. Failure to receive FEMA approval of an updated county Hazard Mitigation Plan that incorporates “all dam risks” by the end of any FEMA-granted 12-month extension will require all federal funds be repaid. Please see Attachment A (DHS Notice of Funding Opportunity FFY24; pg. 29-30 for additional information and pg. 58-59 for an extension request template).
9. This grant requires a match of at least **35%** in the form of non-federal funds and/or in-kind services. SCDES will not provide any financial assistance or services towards this match requirement. SCDES will ensure the non-federal match is met by reimbursing no more than 65% of the incurred costs documented in each request for reimbursement submitted by the Project Sponsor during the Period of Performance.
10. Dam removals are considered “rehabilitation” under this grant program; therefore, planning, preliminary engineering, design engineering, and construction activities associated with dam removal are eligible. Unlike in past years, SCDES cannot promise priority status to any grant applications that propose dam removal, but since dam removal represents the greatest amount of risk reduction of any type of “rehabilitation” project, dam removals will rank very highly compared to non-removal rehabilitation projects.
11. A new requirement of the FFY24 HHPD grant program is that sub-award applications

must be evaluated and ranked based on a risk-based scoring system developed by FEMA. This scoring system must be used to prioritize and select projects for funding *if* the SCDES receives more applications than available funds can accommodate. This system evaluates the risk posed by the dam in its current condition, and the amount of risk reduction the proposed project can deliver. Projects that deliver the greatest amount of risk reduction for the federal investment will rank the highest.

12. Grant awards under this program come from a federal source and thus applicants must comply with all applicable federal requirements. Failure to comply with grant requirements in the execution of a grant award may result in termination of the award agreement and recovery of some or all federal funds received. Before submitting an application, interested applicants not familiar with federal grant requirements are strongly advised to review:
  - a. Attachment A (DHS Notice of Funding Opportunity FFY24)
  - b. Attachment D (FFY24 DHS Standard Terms and Conditions)
  - c. Attachment I (Summary of Federal Compliance Requirements)
  - d. Any additional resources and references cited therein
13. Grant applications must be prepared with the assistance of a licensed Professional Engineer (PE) registered in South Carolina. Any incurred costs associated with the development of a grant application are not eligible for reimbursement.
14. Engineering services funded through an FFY24 HHPD grant must be prepared with the assistance of a licensed professional engineer (PE) licensed within the state of South Carolina. Their assistance must be procured in compliance with all federal and state procurement requirements and the applicant's own procurement policies. This means that the engineer assisting with application preparation will still be subject to a procurement process to do work under the award.

**Notice of Funding Opportunity**  
**FFY24 High Hazard Potential Dams Rehabilitation Grant**

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## 1. Introduction:

Through the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), the Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program, under the administration of FEMA's National Dam Safety Program (NDSP), has made federal funds available to states for FFY24 for pass through to non-Federal governmental organizations or nonprofit organizations to rehabilitate eligible HHPDs that fail to meet minimum state dam safety standards and pose an unacceptable risk to life and property. SCDES has applied to receive grant funding for FFY24 and plans to offer subawards to eligible applicants for activities that promote the goals of the federal grant program.

Once these grant funds have been awarded from FEMA, SCDES will be soliciting applications from eligible project sponsors for pre-construction and construction efforts associated with dam rehabilitations and removals associated with eligible regulated High Hazard dams in South Carolina. Upon the closure of the subaward application window, SCDES will review, rank, and select candidate projects for funding using criteria including, but not limited to, the overall downstream risk reduction of the project, the cost effectiveness of the project, and the overall cost of the project. Selected projects will then be submitted to FEMA for final review and approval.

FEMA is expected to award SCDES a FFY24 grant in the total amount of \$5,853,542. All of these funds will be available for subawards. SCDES has received a deadline of November 22, 2024, to review applications, rank projects, and provide selections to FEMA for final subaward funding approval.

This Draft Notice of Funding Opportunity serves as a guideline for eligible project sponsors to use in the development of their subaward application. The application period will begin once SCDES has received its funding from FEMA and the final version of the SCDES NOFO has been released. **The application deadline is 5:00 PM EST on Friday, November 1, 2024.**

Disclaimer: Every effort has been made to align the SCDES HHPD subaward program with FEMA's HHPD grant program. However, should any statement, provision, procedure, or requirement contained in this SCDES Notice of Funding Opportunity (SCDES NOFO) for the Federal Fiscal Year 2024 (FFY24) High Hazard Potential Dams Rehabilitation Subaward Program be incompatible or conflict with any of the same in the Department of Homeland Security Notice of Funding Opportunity (DHS NOFO) for the Fiscal Year 2024 Rehabilitation of High Hazard Potential Dams Grant (Attachment A), the DHS NOFO shall rule.

## 2. Eligibility:

## 2.1 Eligible Activities

Grant funding is limited to 1) eligible activities on 2) eligible dams carried out by 3) eligible project sponsors. The FFY24 DHS Notice of Funding Opportunity (pg. 61-62) establishes the eligibility requirements for activities under this grant program and has been incorporated as part of the SCDES’s Notice of Funding Opportunity as Attachment A for reference. Prospective applicants should review that attachment in depth before preparing an application. See Table I for examples of allowable activities. This list is not exhaustive; other activities may also be eligible. FEMA will evaluate proposed activities for eligibility.

Table I: Allowed Activities for FFY24 HHPD Grant

Category	Activity
Preparedness Planning	<ul style="list-style-type: none"> <li>• Development of Emergency Action Plans (EAPs), evacuation plans, plans for flood fighting, or community response plans to include in the floodplain management plan</li> <li>• Coordination of Emergency Action Plans (EAP) and Emergency Operations Plans (EOP) for different release conditions</li> </ul>
Planning	<ul style="list-style-type: none"> <li>• Activities and studies that determine risks associated with eligible dams</li> <li>• Environmental studies for National Environmental Policy Act (NEPA) compliance</li> <li>• Development of floodplain management plans (including evacuation plans, plans for flood fighting, or community response plans, and coordination of EAP and EOPs for different release conditions as part of the floodplain management plan)</li> <li>• Development of operation and maintenance plans</li> </ul>
Preliminary Engineering	<ul style="list-style-type: none"> <li>• Dam risk and consequence assessments</li> <li>• Feasibility studies</li> <li>• Preliminary engineering studies</li> <li>• Alternatives analysis</li> <li>• Mapping, engineering survey, and inundation modeling</li> </ul>

Engineering Design	<ul style="list-style-type: none"> <li>• Engineering design</li> <li>• Development of drawings and specifications</li> <li>• Permitting</li> </ul>
Outreach and Risk Communication	<ul style="list-style-type: none"> <li>• Public education and awareness of flood risks associated with the eligible dam project</li> </ul>
Construction	<ul style="list-style-type: none"> <li>• Repair or rehabilitation of the dam</li> <li>• Dam removal</li> <li>• Construction oversight and monitoring</li> <li>• Installation of early warning systems associated with the eligible dam rehabilitation project</li> </ul>

## 2.2 Eligible Dams for FFY24

For FFY24, SCDES has identified 43 dams that meet eligibility requirements and have been approved by FEMA for consideration for a subaward under this grant program, assuming all other eligibility requirements are also met (i.e., eligible activities proposed by an eligible project sponsor). The list of eligible South Carolina dams can be found in Table II. At the time of release of this Notice of Funding Opportunity, FEMA is not allowing additional dams to demonstrate eligibility. Detailed eligibility requirements for dams can be found in Attachment A (DHS Notice of Funding Opportunity FFY24).

If a dam is not currently eligible but a dam owner believes their dam does not meet minimum South Carolina dam safety standards and represents an unacceptable risk to the public, they should work with SCDES to determine what steps are needed to potentially be eligible for future grant cycles. If a dam is currently ineligible due to not having an approved Emergency Action Plan (EAP) on file with SCDES, owners should contact the SCDES Dam Safety Program to discuss how they can develop an EAP and potentially be eligible for grant funds in a future cycle.

Table II: List of Eligible Dams for the FFY24 HHPD Grant

Dam Name	NID ID	State ID	County
Lake Lanier Dam	SC00001	D3984	Greenville
Eureka Lake Dam	SC00028	D3225	Chesterfield
Lake Columbia Dam	SC00046	D0549	Richland

Pinewood Lake Dam	SC00055	D0580	Richland
Springwood Lake Dam	SC00090	D0558	Richland
Andrew Jackson St Pk Lake	SC00131	D1777	Lancaster
Silver Lake Dam	SC00180	D0986	Lexington
Flat Rock Pond Dam	SC00291	D0002	Aiken
Sudlow Lake Dam	SC00293	D1993	Aiken
Lake Florence Dam	SC00298	D1996	Aiken
Ruesch Pond Dam	SC00412	D3760	Orangeburg
Chattooga Lake Dam	SC00519	D1637	Oconee
Beaverdam Millpond Dam	SC00619	D3512	Darlington
Lake Wallace Dam	SC00641	D0021	Marlboro
Charlotte Bourne Dam	SC00649	D3428	Marlboro
Caldwell Lake Dam	SC00663	D1230	York
Upper York Reservoir Dam	SC00665	D1227	York
Silver Lake Dam	SC00735	D3346	Spartanburg
Virginia Taylor Dam	SC00750	D3355	Spartanburg
Moss Grove Plant Dam 1	SC00960	D3467	Berkeley
Batesburg Reservoir Dam	SC01180	D1180	Lexington
Upper Windsor Lake Dam	SC01293	D0570	Richland
Second Millpond Dam	SC01424	D1444	Sumter
Paradise Pond Dam	SC01594	D2629	Calhoun
Barnwell St Park Lower Dam	SC01667	D3062	Barnwell
Folks Upper Pond Dam	SC01675	D3052	Barnwell
Bruce Lake Dam	SC01758	D2857	Greenville
Parkins Lake Dam	SC01774	D2875	Greenville
Moon Lake Dam	SC01800	D2911	Greenville
Chatham Lake Dam	SC01869	D3219	Chesterfield
Town Pond Dam	SC01912	D3170	Chesterfield
Praters Pond Dam	SC02109	D3713	Orangeburg
Lower Santee Shores Dam	SC02123	D3746	Orangeburg
Livingstons Lake Dam	SC02137	D3770	Orangeburg
Heritage Lake Dam	SC02154	D3648	York
R Milliken Pond 1 Dam	SC02238	D3313	Spartanburg
Gibson Pond Dam	SC02243	D3319	Spartanburg
Greenwood West Pond Dam	SC02264	D4039	Abbeville
Creekside East Pond Dam	SC02372	D4058	Greenwood
Woodlake Dam	SC02466	D4083	Richland
Nine Times Dam	SC02503	D4239	Pickens
Barnwell St Park Upper Dam	SC02630	D4374	Barnwell



Summit Dam 6	SC02691	D4439	Richland
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## 2.3 Eligible Applicants

Privately-owned dams are eligible to receive grant funds, but private owners are ineligible to apply for this grant. However, applicants that meet eligibility criteria may apply on behalf of a private dam owner as a project sponsor. Eligible Project Sponsors are:

- a. Any non-federal governmental organization
- b. Any non-profit organization that is registered with the Internal Revenue Service as a 501(c)(3) or 501(c)(4) non-profit

Detailed criteria for eligible project sponsors are found in Attachment A (DHS Notice of Funding Opportunity FFY24 pg 11-12). Project Sponsors considering applying on behalf of one or more private owners of an eligible dam should be aware that subaward agreements are solely executed between SCDES and the Project Sponsor. Project Sponsors are ultimately responsible for compliance with the subaward agreement, and will be subject to federal remedies for non-compliance, including potential full repayment of funds. Project Sponsors, not the dam owner, are responsible for ensuring the 35% non-federal cost share requirement is met.

In addition to the subaward agreement between SCDES and the Project Sponsor, if the Project Sponsor is not the dam owner a separate agreement between the Project Sponsor and the dam owner will be required.

## 3. Application Review and Subaward Selection

### 3.1 Application Overview

The HHPD Rehabilitation Grant Program aims to reduce the overall risks posed by High Hazard Potential dams in a cost-effective manner. Applications should fully take into account overall dam risk and all alternatives for mitigating risk as there may be opportunities for risk reduction that do not involve rehabilitation of the dam. SCDES seeks to fund projects that:

- (a) Quantify the overall risk posed by an eligible High Hazard Potential Dam

(b) Incorporate preliminary engineering assessments that identify and evaluate all risk-reduction measures and alternatives for the eligible High Hazard Potential Dam

(c) Perform all complete final design engineering (including obtaining all necessary permits and approvals) steps necessary to implement the selected and mutually agreed upon risk reduction measure(s)

(d) Implement all construction activities necessary to implement the risk-reduction measure(s) and rehabilitate the dam.

Applications requesting funds to perform final design engineering on an eligible dam will also have to demonstrate that the pre-requisite stages (a) and (b) have already been performed to the satisfaction of SCDES.

The alternatives analysis should not be restricted solely to structural risk mitigation strategies including repair/rehabilitation/removal but should also address non-structural risk mitigation strategies including, but not limited to, modifications/relocations of at-risk downstream buildings and infrastructure. The project sponsor should be aware that dam removal represents the greatest degree of risk reduction and for that reason applications that incorporate dam removal have an intrinsic advantage over repair/rehabilitation projects in SCDES's subaward selection process.

### 3.2 Risk-Based Project Selection

(New for FFY2024) In the event there are insufficient funds available for all subaward applications received, FEMA requires states use a risk-based selection process utilizing tools it has developed. These tools are to be used as the primary means of ranking subaward applications based on the amount of risk reduction a proposed project could deliver. FEMA allows secondary ranking criteria to be factored into this process, at the states' discretion. SCDES has chosen to incorporate the rankings of a review panel of subject-matter experts as a secondary criterion.

Potential applicants are advised that the change described above means that SCDES can no longer guarantee proposed dam removal projects will be given priority over all other types of projects; however, due to the fact that dam removals represent large, if not the largest, risk reduction projects, it remains highly likely that dam removals will rank very highly in final determinations. After the ranking process is complete, any ties will be broken by review panel vote. For more information on the application review and selection process, see Attachment B (State Administrative Plan).

#### 4. Cost-Sharing Requirement:

Subawards can fund a maximum 65% of the direct eligible costs required to complete the scope of work in an approved project. Unless otherwise authorized by law, Federal funds cannot be matched with other Federal funds. To meet matching requirements, the subrecipient's contributions to the project must be *reasonable, allowable, allocable, and necessary* under the FFY24 HHPD grant program and must comply with all applicable Federal requirements and regulations. At the time of application, proof of match is required via a match commitment letter. When seeking reimbursement, proof of match must be provided at the time of request.

Where in-kind services are approved by the Department as relevant to the performance of the project and constitute eligible activities, the grant funded amount may exceed 65% of the directly incurred expenses. The description of in-kind services or activities must be reviewed and pre-approved by both SCDES and FEMA as eligible to count towards the non-federal cost share.

Detailed information regarding cost-sharing or matching, including requirements for in-kind services and activities that may be used to count toward the non-federal cost share requirement, can be found in the *Code of Federal Regulations* 2 C.F.R. section 200.306.

#### 5. Timeline for Submitting Applications:

The application period is not yet open for this funding opportunity. Once the application period begins, SCDES will accept applications for potential subawards from the date the official NOFO is released **until November 1, 2024**. SCDES has a deadline of November 22, 2024, to submit an amended grant application to FEMA that includes proposed subawards. SCDES will not be providing comments during its review process, nor will it be allowing applications to be revised after receipt. The limited timeline does not allow for a back-and-forth review and revision process and potential applicants are strongly encouraged to review all applicable state and federal regulations and requirements as well as those of the grant itself and contact SCDES with any questions prior to submitting an application.

#### 6. Period of Performance (POP):

The POP as established in the FFY24 DHS NOFO ends 36 months after the date of award. This is the period during which a subrecipient can incur potentially eligible costs under a FFY24 HHPD Grant subaward. Invoices may be dated after the end of the POP and be accepted for reimbursement, but any invoiced activities performed after the POP ends will be deemed ineligible and incurred costs associated with those activities

will not be reimbursed.

Applicants should only propose projects that will be completed within the POP. Extensions to the POP under this program are allowed but cannot be guaranteed. Subrecipients must request extensions from SCDES. SCDES will review the request and the subrecipient's justification and decide whether to recommend approval of the subrecipient's extension request to FEMA, which ultimately approves or denies the extension request. The subrecipient should request an extension in writing at least 90 days prior to the grant's expiration date and include:

- a) The grant program, fiscal year, and award number
- b) Verification that progress has been made as described in quarterly reports submitted to SCDES
- c) Reason(s) for the delay – including details of the legal, policy, or operational challenges that prevent the final outlay of awarded funds by the deadline
- d) Current status of the activity/activities
- e) Current POP termination date and new projected completion date
- f) Amount of funds drawn down to date
- g) Remaining available funds, both Federal and non-Federal
- h) Budget outlining how remaining Federal and non-Federal funds will be expended
- i) Plan for completion, including milestones and timeframes for achieving each milestone and the position or person responsible for implementing the plan for completion
- j) Certification that the activity/activities will be completed within the extended POP without any modification to the original scope of work approved by FEMA

## 7. Instructions to Apply:

SCDES has applied for the DHS-FEMA FFY24 HHPD grant but has not yet received the award. As such, subaward applications will not be accepted until the application period is officially open, and subapplicants choosing to develop their subaward applications prior to SCDES receiving its award must do so at their own risk. Eligible Project Sponsors that submit applications to SCDES for funding are doing so as 'subapplicants' and will become subrecipients if a subaward is made by SCDES. Subapplicants must comply with all applicable subrecipient requirements in the FFY24 DHS NOFO and with additional SCDES requirements imposed herein. See Attachment F for a grant application checklist for assisting subapplicants with their grant applications.

### 7.1 Subapplicant federal registration

Prior to application, all subapplicants must register for, update, or verify their System for Award Management (SAM) account through

<https://sam.gov/content/home>. Applicants must ensure their account is active prior to submitting an application to SCDES for subaward.

All entities with an account in SAM will be assigned a Unique Entity ID (UEI) number. This number must be provided on the SCDES subaward application form. The US Government transitioned to the UEI on April 4, 2022.

Subapplicants receiving a subaward must maintain an active SAM registration with up-to-date information at all times during the Period of Performance. Subapplicants should be aware that SCDES may not make a subaward until all applicable SAM requirements have been complied with. Therefore, a subapplicant's SAM registration must be active not only at the time of application, but also during the application review period and when SCDES is ready to make a federal subaward. A subapplicant's or subrecipient's SAM registration must remain active for the duration of an active federal subaward. If a subapplicant's SAM registration is expired at the time of application, expires during application review, or expires any other time before award, SCDES may determine that the applicant is not qualified to receive a federal subaward and use that determination as a basis for rejecting the application.

## 7.2 Elements of a Complete Subaward Application

To apply, an applicant must complete *Federal Fiscal Year 2024 High Hazard Potential Dams (HHPD) Rehabilitation Grant Subaward Application* (SCDES Form # D-4132) and attach supporting documentation that fully defines the scope of work for the proposed utilization of grant funds. Supporting documentation shall be compiled by a licensed Professional Engineer (PE) registered in South Carolina and include, at a minimum:

- a. A narrative detailing the applicant's eligibility to apply for this grant, the eligibility of the dam to receive funding under this grant, and the eligibility of the proposed grant-funded activities.
- b. A narrative detailing the dam's known or suspected deficiencies and the current understanding of the overall health and nature of the dam and its potential downstream impact. *Not applicable to dam removal projects.*
  - i. Applicants must provide summaries with references to any previous studies, investigations, inspections, or analyses that support the engineer's conclusions as to the overall health and nature of the dam and its potential downstream impact.
  - ii. If the overall health and nature of the dam and its potential downstream impact (or any particular element thereof) is poorly understood, the narrative should identify those data gaps and/or

- iii. identify aspects where the available data needs to be supplemented.
- iii. Proposals should include all activities necessary to fully investigate the potential cause of a deficiency before final engineering design activities for potential rehabilitation, or a specific rehabilitation construction project.
- c. The Project Sponsor's proposed plan to:
  - i. quantify the overall risk posed by an eligible High Hazard Potential Dam
  - ii. evaluate all risk-reduction measure(s) and alternatives for the eligible High Hazard Potential Dam
  - iii. perform all complete final design engineering (including obtaining all necessary permits and approvals) steps necessary to implement the selected and mutually agreed upon risk reduction measure(s)
  - iv. implement construction activities to facilitate the risk-reduction/rehabilitation measure(s) and rehabilitate the dam.

These proposed activities do not all have to be within the final scope of work proposed in the submitted grant application: however, the Project Sponsor should demonstrate they have a comprehensive plan to reach a construction-ready rehabilitation project. *Not applicable to dam removal projects.*

- d. Subapplications that propose any engineering design to advance a selected rehabilitation measure towards construction shall also include an analysis examining every other alternative rehabilitation measure that was evaluated for selection. In addition, it must include a justification for selecting that particular rehabilitation measure over the alternatives. *Not applicable to dam removal projects.*
  - i. Where appropriate, alternatives such as dam removal and relocation of at-risk structures should be evaluated in addition to dam repair/rehabilitation activities.
  - ii. The alternatives analysis should evaluate the impact of each rehabilitation alternative on reducing overall dam risk and include a cost estimate for each alternative.
  - iii. If the subapplicant believes no viable alternatives to the selected rehabilitation measure exist and an alternatives analysis is unnecessary, then they shall provide justification for that finding.
- e. A list of the milestones required to successfully complete the project. While these milestones are up to the applicant to identify, examples may include, but are not limited to:
  - i. Solicitation for Engineering Services
  - ii. Procurement of Engineering Contractor

- iii. Field Investigations
  - iv. Laboratory Testing
  - v. Completion of Risk Analysis
  - vi. Completion of Alternatives Analysis and Selection of Rehabilitation Method
  - vii. Development of Complete Plans and Specifications and a Permit Application for Dam Alteration, Repair, or Removal
  - viii. Permit Application Submittal Date
  - ix. Development of Bid Package for Construction Contractors
  - x. Start of Construction
  - xi. Completion of Construction
- f. A detailed budget that provides the estimated cost of all proposed activities. While cost estimates at this stage may be extremely premature, it is critical that applicants shall make every effort to provide an accurate cost estimate as part of the application. Any cost overruns during a funded project will be the sub-recipient's responsibility to bear. SCDES has no expectation of any unused federal funds remaining in SCDES's FFY24 HHPD grant from FEMA after subawards are made.
- g. An approved Local Hazard Mitigation Plan that incorporates 'all dam risk'. County hazard mitigation plans will be evaluated using criteria found in 44 C.F.R. Part 201 (Mitigation Planning), and FEMA's Local Mitigation Planning Policy Guide (April 2022, FEMA Publication # 206-21-0002) to determine if the plan meets all applicable requirements. Specifically, FEMA will validate whether each of the following elements are included in the local hazard mitigation plan:
- i. Does the plan describe the incorporation of existing plans, studies, reports, and technical information for eligible high hazard potential dams?
  - ii. Does the plan address eligible high hazard potential dams in the risk assessment?
  - iii. Does the plan include mitigation goals to reduce long-term vulnerabilities from eligible high hazard potential dams that pose an unacceptable risk to the public?
  - iv. Does the plan prioritize mitigation actions to reduce vulnerabilities from eligible high hazard potential dams that pose an unacceptable risk to the public?

An extension to achieve compliance with this requirement is available under the "extenuating circumstances" provision as explained in Attachment A (DHS Notice of Funding Opportunity FFY24). Extensions up to 12 months are available to allow for compliant Local Hazard Mitigation Plans to be

developed. The 12-month period begins upon the date of FEMA approval for SCDES's amended grant application and workplan incorporating proposed subawards. FEMA must approve the applicable Local Hazard Mitigation Plan by the end of the 12-month period or the funding agreement with SCDES becomes void and any outlays shall be recovered.

- h. A Local Floodplain Management Plan must be in place or will be developed not later than two (2) years after the date of execution of a project agreement and implemented not later than two (2) years after the date of completion of construction of the project. This plan shall detail ways to reduce the impacts of future flood events in the area impacted by the proposed project. Failure to comply with this requirement will result in federal funds being recovered. The floodplain management plan must address:
  - i. Potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected by the project
  - ii. Plans for flood fighting and evacuation
  - iii. Public education and awareness of flood risks.
- i. All required assurance statements. These shall include:
  - i. A statement that the subapplicant participates in, and complies with, all applicable federal flood insurance programs.
  - ii. A statement that the subapplicant acts in accordance with the state dam safety program.
  - iii. Documentation validating that the dam has an emergency action plan that has been approved by the relevant state dam safety agency (SCDES), and that the dam is classified as "high hazard potential" by the state dam safety agency in the state in which the dam is located (SCDES).
  - iv. A statement from the state dam safety agency (SCDES) that the proposed project dam fails to meet minimum state dam safety standards and that the state has determined poses an unacceptable risk to the public. Official documentation should demonstrate that the dam owner has been notified of the deficiencies and unacceptable risk. SCDES can provide this to the applicant upon request.
  - v. A statement that an Operation and Maintenance Agreement will be executed by all applicable parties that will create a legally binding contract providing operation and maintenance of the project for the life of the project following completion of rehabilitation. Applicable parties include:
    - 1. All individuals or entities with an ownership stake in the dam
    - 2. All individuals or entities that have operations or maintenance



responsibility for the dam

3. The Project Sponsor, if the Project Sponsor is not also a dam owner or operator.

Note: While an assurance statement is required, that Agreement will only go into effect once the rehabilitation activities are complete. *Not applicable to dam removal projects.*

- vi. Assurance that the subapplicant will have adequate funding resources to carry out operation and maintenance activities over the lifetime of the rehabilitation project. *Not applicable to dam removal projects.*
  - vii. A statement that activities relating to the public in the area around the dam will be performed in accordance with the hazard mitigation plan.
  - viii. If a floodplain management plan is not in place, a statement must be included that verifies a plan will be developed not later than two (2) years after the date of execution of a project agreement and implemented not later than two (2) years after the date of completion of construction. A floodplain management plan is still required for dam removal projects, although the scope will be greatly reduced as compared to other rehabilitation projects.
  - ix. A statement that the subapplicant will comply with Section 5196(j)(9) of the US Code of Laws Title 42 (as in effect on December 16, 2016) regarding payment of laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of Federal funds. See Page 26 of Attachment A (DHS Notice of Funding Opportunity FFY24) for reference.
  - x. For contracts greater than \$1,000,000, a statement must be included assuring the subapplicant will comply with the [Brooks Act](#) (Chapter 11 of the US Code of Laws Title 40) in the selection of architects and engineers.
  - xi. A statement that the subapplicant will comply with the Infrastructure Investment and Jobs Act (IIJA) requirements concerning "Buy American" for iron and steel used in a rehabilitation project (only applicable for construction projects).
- k. A completed Environmental and Historic Preservation Review Checklist (Attachment G for Construction Projects; Attachment H for Planning and Design)
  - l. A completed Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-free Workplace Requirements (FEMA Form 112-0-3C)

## 8. Procurement:

Procurement is the process of acquiring (buying, purchasing, renting/leasing or otherwise obtaining) property, goods and services. This process must be competitive and well-documented. All subrecipients of Federal awards must comply with 2 C.F.R sections 200.318 - 200.326 as well as any applicable local, State, and internal policies when procuring property, goods and services. Per these regulations, subrecipients must have and follow documented procurement procedures and standards of conduct, have written procedures for procurement transactions, and follow methods of procurement according to the size of the purchase. In addition to these applicable and standard procurement requirements, subrecipients must perform a cost or price analysis in connection with every procurement action that is in excess of the Simplified Acquisition Threshold (currently set at \$250,000). This includes contract modifications and subrecipients must provide SCDES with procurement documents upon request. Applicants should review applicable federal regulations in their entirety before submitting an application. Federal regulations are linked below:

- [Section 200.318 General procurement standards](#)
- [Section 200.319 Competition](#)
- [Section 200.320 Methods of procurement to be followed](#)
- [Section 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms](#)
- [Section 200.322 Procurement of recovered materials](#)
- [Section 200.323 Contract cost and price](#)
- [Section 200.324 Federal awarding agency or pass-through entity review](#)
- [Section 200.325 Bonding requirements](#)
- [Section 200.326 Contract provisions \(must contain applicable provisions described in Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards\)](#)

Additionally, procurement of Architects and Engineers is subject to requirements and provisions of the Brooks Act ([40 U.S.C. section 1101-1104](#)), which outlines the proper procedures for implementing a qualifications-based procurement process to be used when procuring architectural or engineering services.

Note: This is not an exhaustive list of all potentially applicable procurement requirements and procedures and applicants must comply with all applicable state, local, and internal procurement requirements in addition to the above. Internal procurement policies must be consistent with local, state, and federal law.

9. Subaward Agreements:

Subaward agreements must be executed within 90 days of SCDES's receipt of FEMA's

approval of the state's modified grant application and workplan. The DHS Terms and Conditions found in Attachment D (FFY24 DHS Standard Terms and Conditions) will be made a part of the SCDES Subaward Agreement. Potential subapplicants should familiarize themselves with the DHS Terms and Conditions before making the decision to apply for a subaward under this program.

Additionally, subrecipients may incur additional special conditions on their subaward agreements. For example, special conditions may be imposed as a result of Environmental Planning and Historic Preservation (EHP) reviews to ensure EHP compliance, if applicable.

#### 10. Scope of Work Changes

In accordance with 2 C.F.R. section 200.308, SCDES must obtain FEMA's prior approval for all proposed subaward scope of work (SOW) changes. Requests for changes to the SOW after award are permissible as long as they are consistent with the intent of the grant program. Requests by subrecipients must be made in writing and demonstrate the need for the scope change. The request also should include a revised scope, schedule, and budget. Any SOW changes are subject to all programmatic requirements, including EHP review requirements. All approvals will be at FEMA's discretion.

#### 11. Payment:

Grant funds will be disbursed through reimbursements only. This will help ensure the required minimum 35% non-federal cost share requirement is met. To receive funds, the subrecipient will prepare and submit a Request for Reimbursement (RFR) to SCDES for review and processing. RFRs will not be accepted more frequently than 30 days from the prior request. The value of any of the required in-kind services or activities shall be provided and thoroughly documented in the RFR. The portion of overall projected project cost eligible for reimbursement is project-specific and will be established in the subaward agreement between SCDES and the subrecipient, with a maximum of 65%. No more than 90% of the federal funds will be paid before the Final RFR for planning and engineering projects, and no more than 80% of the federal funds will be paid before the Final RFR for construction projects.

To be eligible for reimbursement, work to complete the project must occur on or before the end of the Period of Performance. All requests for reimbursement must be submitted no later than 90 days after the expiration of the Period of Performance, otherwise, costs may not be reimbursed. Requests for reimbursement must be submitted on Project Sponsor's letterhead with address matching that used in the executed grant agreement.

Requests for Reimbursement must include any

- a. Outstanding reports (Quarterly Progress Reports, Final Report)
- b. Proof of costs (copies of invoices/bills, payroll documentation, expense documentation, daily activity logs, meeting agendas and sign-in sheets, etc.)
- c. Proof of payment (cancelled checks, copies of accounting ledgers and/or statements documenting payment)
- d. In-kind services documentation (if counting towards the non-federal match as established in the grant agreement).

The FFY24 DHS NOFO has established that costs incurred pre-award are ineligible for reimbursement. The Final RFR must also include the Final Report and a copy of any plans, reports, schematics, calculations, specifications, and any other deliverables that were produced as a result of the subaward.

RFRs must be submitted by electronic mail. It is recommended the sub-recipient request an electronic read receipt for the e-mail, to ensure SCDES has received the request. Alternatively, subrecipients can contact SCDES Dam Safety Program staff to ensure receipt. In the event the RFR and supporting documentation are too large for e-mail, subrecipients should contact the SCDES Dam Safety Program to make alternative arrangements.

## 12. Reporting:

- a. Quarterly progress reports are due by the 10<sup>th</sup> of the month following the end of the quarter, i.e., the 2nd Quarter FFY2025 report covering January 1 – March 31 (i.e., Report 1) is due by April 10, 2025.
- b. Each quarterly report shall summarize the activities that occurred during the quarter that advanced the project toward completion. Status toward meeting the milestones provided in the subrecipient's grant application shall be addressed.
- c. Discussion of whether the project is on track with respect to the cost estimate in the application and if a potential for cost-overruns has been identified.
- d. With the Final RFR, subrecipients must submit a Final Report that details all accomplishments and provides a qualitative summary of the impact of those accomplishments throughout the Period of Performance.
- e. By law, all subrecipients receiving awards totaling \$30,000 or more are subject to the Federal Funding Accountability and Transparency Act (FFATA) reporting requirements. Further instructions for completing the FFATA reporting requirements will be communicated with subrecipients at a later date.

- f. A Scope of Work and Quarterly Milestones table must be included in each progress report. This table will be incorporated into the Subaward Agreement with the quarterly milestones taken from subapplicant's application.

### 13. Recordkeeping and Monitoring:

- a. SCDES reserves the right to request documentation from subrecipients, make site visits to observe field investigations or collect samples, and to conduct any other activities pertaining to the project. SCDES also reserves the right to request project status updates from the subrecipient at any time during the Period of Performance.
- b. Where any in-kind services are planned or proposed to count towards the required non-federal cost share requirement, SCDES will require documentation of all costs associated with in-kind services. This may include, but is not limited to, fuel receipts, timesheets and payrolls, lodging receipts, equipment mileage or hour logs, etc. Office visits, site visits, and/or document requests by the SCDES for purposes of monitoring compliance with in-kind service requirements may occur at any time during the Period of Performance.
- c. Financial records, supporting documents, statistical records, and all other subrecipient records pertinent to the federal award must be retained for a period of three years from the date of submission of the final expenditure report in accordance with 2 C.F.R. sections 200.333 through 200.337. There are some exceptions where the retention period may be longer than three years as noted in 2 C.F.R. sections 200.333 through 200.337 and as required by the recipient. The following examples are the most common instances:
  - i. When the non-federal entity is notified in writing by FEMA, the cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period, non-federal entities must keep records for as long as indicated in the notification, which may be longer than three years.
  - ii. Records for real property and equipment acquired with federal funds must generally be retained for three years after disposition. Records for project types where property may be acquired include flood risk reduction measures, and property acquisition, and structural demolition/structure relocation.
  - iii. The three (3) year retention period is not applicable to the O&M Agreement and Financial Plans. The O&M Agreement and Financial Plans are considered living documents and should be maintained throughout the expected life of the dam.

### 14. Closeout:

Upon either the subrecipient's request to SCDES to close out the grant or 90 days after the end of the Period of Performance, whichever comes first, SCDES will prepare an amended subaward agreement to be executed by SCDES and the subrecipient that will close out the subaward. This amended agreement will terminate any obligation by SCDES to reimburse the subrecipient for eligible activities approved in the subrecipient's grant application. The grant closeout request will typically be submitted with the subrecipient's final Request for Reimbursement. Upon closeout, a notice will be sent to the subrecipient stating the Period of Performance is closed, listing any remaining funds that will be deobligated, and addressing the requirement to maintain all grant-related records for three years or longer applicable period, which may be due to an audit or litigation, equipment or real property being used beyond the Period of Performance, or other circumstances outlined in 2 C.F.R. section 200.333.

#### 15. Definitions:

- a) Administrator - The Administrator of the Federal Emergency Management Agency (FEMA).
- b) "All Dam Risk" - The incremental risk, non- breach risk, and residual risk associated with each eligible high hazard potential dam as well as the reason(s) the state has determined the dam is an eligible high hazard potential dam.
- c) Applicant - The entity applying to the Federal Emergency Management Agency (FEMA) for a Federal award and that will be accountable for the use of the funds. Once funds are awarded, the applicant becomes the recipient or pass-through entity or both. SCDES is the Applicant for the FEMA FFY24 HHPD Rehabilitation grant. Those seeking a subaward from SCDES are "subapplicants".
- d) Board - The National Dam Safety Review Board established under 33 U.S.C. section 467f(f).
- e) Budget Period - The time interval from the start date of a funded portion of an award to the end date of that funded portion, during which recipients are authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to 2 C.F.R. section 200.308.
- f) Dam - Any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that is 25 feet or more in height from the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or if the barrier is not across a stream channel or watercourse, from the lowest elevation of the

outside limit of the barrier; to the maximum water storage elevation; or has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but does not include—

- a levee; or
- a barrier described in above that is 6 feet or less in height regardless of storage capacity; or has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height.

- g) Dam Safety Deficiency - A load capacity limit or other issue that can result in a failure of the dam or appurtenant structure. It is a characteristic or condition that does not meet the applicable minimum regulatory criteria.
- h) Deferred Maintenance - Routine activities performed to prevent deterioration of structures and equipment to keep a dam in a safe and functioning condition were not performed when they should have been or were scheduled to be and which are put off or delayed for a future period. Routine activities include preventive maintenance; replacement of parts, systems, or components; and other activities needed to preserve or maintain the dam. Maintenance and repairs, as distinguished from capital improvements, exclude activities directed towards expanding the capacity of a dam or otherwise upgrading it to serve needs different from, or significantly greater than, its current use.
- i) Eligible High Hazard Potential Dam - As established in 33 U.S.C. section 467(4)(A), a non-federal dam that meets all below criteria:
- Is located in a state with a state dam safety program
  - Is classified as “high hazard potential” by the state dam safety agency in the state in which the dam is located
  - Has an emergency action plan (EAP) approved by the relevant state dam safety agency
  - The relevant authority in the state in which the dam is located has determined the dam fails to meet minimum dam safety standards of the state and poses an unacceptable risk to the public.
  - Exclusions: This does not include:
    - A licensed hydroelectric dam
    - A dam built under the authority of the Secretary of Agriculture.
- j) Expected life of the dam - Estimated number of years the rehabilitation will be effective. The expected life for a dam rehabilitated under the HHPD program is 50 years.
- k) “FAIR” condition rating - As defined in the National Inventory of Dams (NID), a rating determining a dam has no existing dam safety deficiencies recognized for normal operating conditions. Rare or extreme hydrologic and/or seismic events

may result in a dam safety deficiency. Risk may be in the range to take further action. Note: Rare or extreme event is defined by the regulatory agency based on their minimum applicable state or federal criteria. Other Circumstances:

- Lack of maintenance requires attention to prevent developing safety concerns.
- Maintenance conditions may exist that require remedial action greater than routine work and/or secondary studies or investigations.
- Interim or permanent risk reduction measures may be under consideration.

- l) Federal Agency - a Federal agency that designs, finances, constructs, owns, operates, or regulates the construction, operation, or maintenance of a dam.
- m) Federal Guidelines for Dam Safety - The FEMA publication commonly known as FEMA 93 and dated June 1979 that defines management practices for dam safety at all Federal agencies.
- n) FEMA - the Federal Emergency Management Agency.
- o) Hazard Reduction - The reduction in the potential consequences to life and property of dam failure.
- p) Incremental Risk - The risk (likelihood and consequences) to the pool area and downstream floodplain occupants that can be attributed to the presence of the dam should the dam breach prior or subsequent to overtopping, or undergo component malfunction or misoperation, where the consequences considered are over and above those that would occur without dam breach. The consequences typically are due to downstream inundation, but loss of the pool can result in significant consequences in the pool area upstream of the dam.
- q) Interim Risk-Reduction Measures - Effective, interim actions taken to reduce flood risk while longer-term solutions are planned and implemented. Interim risk-reduction measures are a critical part of responsible, adaptive flood risk management.
- r) Non-Breach Risk - The risk in the reservoir pool area and affected downstream floodplain due to 'normal' dam operation of the dam (e.g. large spillway flows within the design capacity that exceed channel capacity) or 'overtopping of the dam without breaching' scenarios.
- s) Non-Federal Entity - A state, local government, or nonprofit organization that carries out a federal award as a recipient or subrecipient



- t) Nonprofit - Those organizations that are described under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986 (IRC) and exempt from tax under section 501(a) of such code. Refer to links below for additional information:
- <https://www.irs.gov/charities-non-profits/charitable-organizations/exemption-requirements-section-501-c-3-organizations>
  - <https://www.irs.gov/publications/p557/ch03.html>
  - <https://www.irs.gov/charities-non-profits>
- u) "NOT RATED" condition rating - As defined in the National Inventory of Dams (NID), a rating meaning the dam has not been inspected, is not under state or federal jurisdiction, or has been inspected but, for whatever reason, has not been rated.
- v) Official Regulatory Notice - Correspondence showing a specific Dam Safety Deficiency (meeting the National Inventory of Dams (NID) definition) has been recognized and cannot be resolved with routine maintenance. A state dam safety agency issues official regulatory notice to the dam owner if it includes all of the following elements:
- The dam owner is notified of the specific deficiency and a regulatory requirement to immediately implement risk-reduction measures. (Required risk-reduction measures may include activities such as hiring an engineer to conduct risk-informed failure mode studies, design of risk-reduction measures, construction of risk-reduction measures, or other actions.)
  - The regulatory notice indicates whether temporary risk-reduction measures (such as reservoir restrictions) are required.
  - The regulatory notice indicates a specific time allowance for the completion of the risk-reduction measures.
  - The regulatory notice includes a statement of the state dam safety's authority to issue regulatory actions and/or specific regulatory enforcement actions for failure to comply.
- w) Pass-through Entity - A non-federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.
- x) Period of Performance (POP) - the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. Identification of the period of performance in the Federal award per 2 C.F.R. section 200.211(b)(5) does not commit the awarding agency to fund the award beyond the currently approved budget period.

y) "POOR" condition rating - As defined in the National Inventory of Dams (NID), a rating meaning a recognized dam safety deficiency is recognized for normal operating conditions that may realistically occur. Remedial action is necessary. POOR may also be used when uncertainties exist as to critical analysis parameters that identify a potential dam safety deficiency. Investigations and studies are necessary. Other Circumstances:

- Dam has multiple deficiencies or a significant deficiency that requires remedial work.
- Lack of maintenance (erosion, sinkholes, settlement, cracking, unwanted vegetation, animal burrows, inoperable outlet gates) has affected the integrity or the operation of the dam under normal operational conditions and requires remedial action to resolve.
- Critical design information is needed to evaluate the potential performance of the dam. For example, a field observation or a review of the dam's performance history has identified a question that can only be answered by review of the design and construction history for the dam. Uncertainty arises when there is no design and/or construction documentation available for review and additional analysis is needed to better understand the risk associated with operation under normal operational conditions.
- Interim or permanent risk reduction measures may be under consideration.

z) Population at Risk (PAR) - The population downstream of a dam that would be subject to risk from flooding in the instance of a potential dam failure; usually documented in numbers of persons at risk.

aa) Pre-award Costs - those costs incurred prior to the effective date of the federal award directly pursuant to the negotiation and in anticipation of the federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the federal award and only with the written approval of the federal awarding agency.

bb) National Dam Safety Program - The National Dam Safety Program established under 33 U.S.C. section 467f.

cc) Project Sponsor - a subapplicant that meets the eligibility criteria established in the DHS Notice of Funding Opportunity to receive federal funds under this grant program. The "Project Sponsor" may be a dam owner or may be an entity that is assisting a dam owner who is not an eligible subapplicant but whose dam is an eligible dam identified by SCDES and approved by FEMA.

- dd) Recipient - A non-federal entity that receives a federal award directly from a federal awarding agency to carry out an activity under a federal program. The term recipient does not include subrecipients.
- ee) Rehabilitation - The repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable state dam safety and security standards.
- ff) Routine Operation and Maintenance - Activities performed to prevent deterioration of structures and equipment to keep a dam in a safe and functioning condition throughout the expected life of the dam. These activities can be a scheduled or recurring action outlined in the operation and maintenance plan or performed after an inspection reveals an unusual observation that requires corrective restoration. Identifying and correcting problems before they become serious is an important part of routine operation and maintenance. Typical routine operation and maintenance activities can include (but are not limited to) mowing, removal of woody vegetation, addressing erosion, repairing concrete structures, replacement of equipment and gates, and servicing gates.
- gg) Residual Risk - The risk that remains after all mitigation actions and risk reduction actions have been completed. With respect to dams, FEMA defines residual risk as “risk remaining at any time” (FEMA, 2015, p A-2). It is the risk that remains after decisions related to a specific dam safety issue are made and prudent actions have been taken to address the risk. It is the remote risk associated with a condition that was judged to not be a credible dam safety issue.
- hh) Risk - The product of the likelihood of a structure being loaded, adverse structural performance, (e.g., dam failure), and the magnitude of the resulting consequences
- ii) “SATISFACTORY” condition rating - As defined in the National Inventory of Dams (NID), a rating meaning no existing or potential dam safety deficiencies are recognized. Acceptable performance is expected under all loading conditions (static, hydrologic, seismic) in accordance with the minimum applicable state or federal regulatory criteria or tolerable risk guidelines. Typical Circumstances:
- No existing deficiencies or potentially unsafe conditions are recognized, with the exception of minor operation and maintenance items that require attention.
  - Safe performance is expected under all loading conditions including the design earthquake and design flood.
  - Permanent risk reduction measures (reservoir restrictions, spillway

modifications, operating procedures, etc.) have been implemented to eliminate identified deficiencies.

- jj) Small Impoverished Community - A small impoverished community must:
- Be a community of 3,000 or fewer individuals identified by the applicant as a rural community that is not a remote area within the corporate boundaries of a larger city or jurisdictional area or boundary.
  - Be economically disadvantaged, with residents having an average per capita annual income not exceeding 80 percent of the national per capita income, based on best available data. For the most-current information on the national income, see <http://www.bea.gov>.
  - Have a local unemployment rate that exceeds by 1 percentage point or more the most recently reported, average yearly national unemployment rate. For the most current unemployment information, see <http://www.bls.gov/eag/eag.us.htm>.
  - Meet other criteria required by the applicant in which the community is located.
- kk) State - Each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.
- ll) State Dam Safety Agency - A state agency that has regulatory authority over the safety of non-federal dams.
- mm) State Dam Safety Program - A state dam safety program approved and assisted under 33 U.S.C. section 467f(e).
- nn) Subapplicant - The Project Sponsor that is applying to SCDES for a HHPD Rehabilitation Grant subaward.
- oo) Subaward - An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.
- pp) Subrecipient - A non-federal entity that receives a subaward from a pass-through entity to carry out part of a federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency. The

term “eligible subrecipient” in the case of a project receiving assistance through the HHPD program includes:

- A governmental organization, and
- A non-profit organization

qq) Unacceptable Risk to the Public - For purposes of the HHPD, the determination of unacceptable risk to the public is to be made by the state dam safety program, the agency of the state that is authorized by state statute to manage the state participation in the National Dam Safety Program. A dam poses unacceptable risk to the public when the dam requires remediation or risk reduction measures due to deficiencies caused by inadequate dam design, construction methods, or the results of inadequate operation and maintenance. For a dam to be considered an unacceptable risk to the public for funding under the HHPD grant program, it must meet all the following conditions:

- Does not meet the minimum dam safety standards of the state (not including routine operations and maintenance actions).
- State dam safety program has documented the deficiencies at the dam that must be reduced, eliminated or mitigated.
- Official Regulatory Notice (see definition) of the determination of the documented deficiency(ies) has been communicated to the dam owner to address the unacceptable risk to the public to implement interim risk reduction measures until permanent risk reduction measures are implemented in a manner that is acceptable to the state. Official Regulatory Notice must be on official state or state dam safety program letterhead and may include official citations issued from the state dam safety program to the dam owner.

rr) “UNSATISFACTORY” condition rating - As defined in the National Inventory of Dams (NID), a rating meaning a dam safety deficiency is recognized that requires immediate or emergency remedial action for problem resolution. Typical Circumstances:

- A critical component of the dam has deteriorated to unacceptable condition or failed.
- A safety inspection indicates major structural distress (excessive uncontrolled seepage, cracks, slides, sinkholes, severe deterioration, etc.), advanced deterioration, or operational deficiencies which could lead to failure of the dam or its appurtenant structures under normal operating conditions.
- Reservoir restrictions or other interim risk reduction measures are required.
- A partial or complete reservoir drawdown may be mandated by the state or federal regulatory agency.

16. List of Attachments (available for download at [High Hazard Potential Dams Rehabilitation Grant | South Carolina Department of Environmental Services \(sc.gov\)](#))

- Attachment A - FFY24 DHS Notice of Funding Opportunity
- Attachment B - State Administrative Plan for the FFY24 HHPD Rehabilitation Grant
- Attachment C - FEMA HHPD Grant Program Guidance
- Attachment D - FFY24 DHS Standard Terms and Conditions
- Attachment E - HHPD Grant Program Frequently Asked Questions
- Attachment F - Subapplicant Grant Application Checklist
- Attachment G - EHP Review Checklist for Construction
- Attachment H - EHP Review Checklist for Planning and Design
- Attachment I - Summary of Potentially Applicable Federal Requirements
- Attachment J - Application Checklist for Construction-Ready Projects
- Attachment K - SCDES Subaward Application Form D-4132