



Mississippi Department of Environmental Quality

Mississippi Dam Safety Fund

Grant Program Guidelines

1. Program Description

A. Overview

1. The Mississippi Department of Environmental Quality (MDEQ) Dam Safety Division is committed to protecting lives and property from the risks associated with dams. The “Mississippi Dam Safety Fund”, established by Mississippi House Bonding Bill 1730, makes state funding from the bond bill or other designated funds available to eligible dam owners for the rehabilitation of dams that fail to meet minimum dam safety standards and pose unacceptable risk to life and property.
2. For the purposes of this program, “rehabilitation” means the repair, replacement, reconstruction, or removal of a dam that performed to meet applicable Mississippi dam safety and security standards.

B. Objectives

The objectives of the program are to:

1. Provide financial assistance for rehabilitation of eligible high hazard potential dams.
2. Protect the state investment by requiring operation and maintenance of the project following completion of rehabilitation.
3. Reduce the potential consequences to life and property of high hazard potential dam incidents.
4. Reduce the overall number of high hazard potential dams that pose an unacceptable risk to the public.
5. Reduce costs associated with dam rehabilitation through the deployment of innovative solutions and technologies.

C. Priorities

The Mississippi Dam Safety Fund priorities are the construction activities related to the rehabilitation of eligible high hazard dams. Projects proposed for funding will be prioritized based on factors that emphasize the reduction of risk. To be considered for funding, applications for rehabilitation must be accompanied by plans that address all applicable deficiencies and bring the dam to satisfactory condition.

2. Eligibility Information

A. Eligible High Hazard Dams

To be considered for funding under this program, a dam must be classified as a high hazard dam regulated by the Mississippi Dam Safety Division. The grant funds shall be used to address deficiencies and may not be used to perform routine maintenance of a dam, to

modify a dam to produce hydroelectric power, to increase water supply storage capacity, nor make any other modification to a dam that does not also improve the safety of the dam. Dams classified by the Mississippi Dam Safety Division with FAIR, POOR or UNSATISFACTORY condition assessments are eligible. Dams with ratings of SATISFACTORY are not eligible for the grant program. Federally owned and operated dam structures are not eligible.

B. Eligible Recipients

Eligible recipients are owners of dams designated as high hazard dams by the MDEQ Dam Safety Division. The dam owner must be in compliance with the high hazard dam requirements of Mississippi Dam Safety Regulations *Title 11: Part 7, Chapter 3, Rule 3.6. Inspections, Breach Analysis, and Emergency Action Plans* which include:

1. The dam must be current on the required annual owner and/or formal inspections.
2. The dam must have an Emergency Action Plan (EAP) approved by the Mississippi Dam Safety Division and distributed to emergency response officials as required.

C. Eligible Rehabilitation Activities

The construction activities proposed by the dam owner in the application must address the structural and/or spillway deficiencies identified in a Formal inspection performed by a Professional Engineer or state inspections and communicated to dam owners.

Rehabilitation activities must be completed in accordance with the Mississippi Dam Safety Regulations and receive a permit for modification through the MDEQ Dam Safety Division. Pre-award costs are not allowable for reimbursement. Cost over-runs may be considered if funds are available.

D. Cost Share or Match

Assistance provided under this grant program is subject to a cost-sharing requirement of not less than 35 percent. Grant funding is available for up to 65 percent of the eligible activity costs. The dam owner must provide the remaining 35 percent of eligible activity costs, which may be, in full or in part, composed of in-kind contributions. The application must include an assurance statement from the dam owner providing the source and availability of the 35% cost match funding required as cash or in-kind contributions. In-kind contribution details must be broken out and designated as such in the Opinion of Probable Cost prepared by the Professional Engineer for the project for review and approval as part of the application review.

The grant cost share contribution is calculated based on the total cost of the proposed activity. For example, if the total cost is \$400,000 and the dam owner cost share is 35 percent, then the dam owner contribution is \$140,000 ($\$400,000 \times 35\%$). The grant program funding provided will not exceed \$260,000 ($\$400,000 \times 65\%$).

E. Award amounts

Applicants will be eligible for up to a maximum award of \$300,000.00 per dam as the 65% portion of total project cost.

F. Professional Services

Per the Mississippi Dam Safety Regulations *Title 11: Part 7, Chapter 3, Rule 3.3*, all plans, design drawings and specifications, and as-built (record) drawings must be approved, signed, and stamped by a Mississippi registered professional engineer. If awarded funding, the engineer will be required to supply a certificate of comprehensive general liability insurance (or other insurance acceptable to MDEQ). All survey data and reports must be shot, prepared, signed, and stamped by a Mississippi registered land surveyor. Contractors selected for construction activities will be required to provide a certificate of general liability and workers comprehensive coverage.

G. Project Grant Agreement and Reporting Requirements

MDEQ will reimburse actual expenses for eligible activities. Applicants selected to receive funding will be required to enter into a project grant agreement with MDEQ that will specify the terms and conditions of the award. Those provisions will include but are not limited to:

1. Performance reporting requirements,
2. Closeout reporting requirements,
3. Submittal requirements for financial documents for reimbursement requests,
4. Final design studies produced during assessments that include all necessary modeling.
5. Required compliance with state laws and regulations,
6. Required compliance with MDEQ standard conditions, document submittals, and procedures,
7. MDEQ authority to seek and recover paid grant funds from the grantee for non-compliance with the terms of the grant agreement.

As part of a project grant agreement, the dam owner will be required to put into place an Operations and Maintenance (O&M) Plan for the period following completion of rehabilitation for operation and maintenance during the expected life of the dam. Dam owner grantees may be required to provide financial assurance to assure the continuing proper maintenance for the dam. Should the grantee fail to adequately comply with the approved O&M Plan, as solely determined by MDEQ, MDEQ may pursue administrative and legal actions to promptly seek and recover from the grantee, and any of its successors of ownership of the dam, any portion of or all previously paid grant funds.

The award may be terminated in whole or in part by MDEQ if the Applicant fails to comply with the terms and conditions of the award agreement, or by the Applicant sending to MDEQ written notification of the termination including the reason for the termination.

4. Application and Submission Information

A. Key Dates and Times

1. Application Start Date: June 1, 2022
2. Application Submission Deadline: July 15, 2022 by 5:00 PM
3. Funding Selection Announcement Date: August 5, 2022
Announcement Date may be extended based on the number of complete and/or incomplete applications received.

B. Agreeing to Terms and Conditions of the Award

By submitting an application, applicants agree to comply with the requirements of these Grant Program Guidelines and the terms and conditions of the award, should they receive an award.

C. Address to Request Application Package

A copy of the Application Package is available on the MDEQ website at:

<https://www.mdeq.ms.gov/water/dam-safety/>

or by email at MSdamsafety@mdeq.ms.gov

D. Submission Content

All submissions provided for consideration must include a completed MDEQ Dam Safety Grant Fund application and necessary supporting documentation. A submission must address all deficiencies presented by the dam in order for the submission to be considered for funding. A checklist is included with the application to ensure submittal of all required supporting documents.

E. Application submittal

Applications must be received by 5:00 PM on July 15, 2022. Applications may be delivered in person to our MDEQ office at 700 N. State Street, Jackson, MS. Applications may be mailed to:

MDEQ – Office of Land and Water Resources
ATTN: Dam Safety Division
P.O. Box 2309
Jackson, MS 39225
SEALED APPLICATION – DO NOT OPEN

F. Electronic Delivery

Applications may be submitted electronically, however e-mail submittals are limited to 10MB in size. If submitting your documents electronically, email files to MSDamSafety@mdeq.ms.gov.

5. Review and Selection Process

A. Minimum Criteria for application consideration

1. The dam must have a condition rating assigned by the Dam Safety Division of Fair, Poor or Unsatisfactory.
2. The dam must be current on the required annual owner and/or formal inspections.
3. The dam must have an Emergency Action Plan approved by the Mississippi Dam Safety Division with all signatures required to demonstrate the document is on file with all emergency response officials as required.
4. The Applicant has provided assurance and documentation that all of the required 35% cost match funding will be available on or before the date of the grant agreement execution.

B. Technical Review

Applications will be reviewed by the MDEQ Dam Safety Division. Once applications have been submitted, the review committee will evaluate the application for completeness, eligibility, technical approach and risk reduction. Applications will be evaluated on the following:

1. The Applicant demonstrates the capability necessary to successfully complete the proposed activities on or before June 30, 2023 or the date established in the project grant agreement.
2. The activities presented in the proposal demonstrate compliance with regulations, bring the dam into Satisfactory condition, and support the Dam Safety Grant Program objectives and priorities to reduce the risk to downstream lives and property.

C. Ranking of submittals for funding

Applications will receive points from two independent categories. After all applications receive points, the totals will be calculated to produce the final rankings.

Category 1 –

Dams will be ranked according to the priority rating utilizing the MDEQ Dam Safety Division Risk-based Priority Rating System. The applications will be ranked in order of their priority rating score reflecting the current condition of the dam.

$$([\text{Priority Rating of Dam X}]/[\text{Highest Rating}])(50) = \text{Category 1 point total}$$

Category 2 –

The review committee will compare the priority rating score reflecting the current condition of the dam with the anticipated priority rating score after the rehabilitation activities proposed in the application are performed. The difference in values will be assigned as the Risk Reduction Value (RRV). The score for Category 2 will be determined as follows:

$$(a) \text{ Initial Priority Rating} - \text{Anticipated Priority Rating} = \text{Risk Reduction Value (RRV)}$$

$$(b) \quad \frac{\text{RRV}}{\text{Funding Requested}} = \text{Benefit to Cost Ratio}$$

$$(c) ([\text{Dam X Benefit to Cost Ratio}]/[\text{Highest Rating}])(50) = \text{Category 2 point total}$$

$$\text{Category 1 Points} + \text{Category 2 Points} = \underline{\text{Final Score for Ranking of Dam X}}$$