



New Hampshire Clean Diesel Grant Program
Request for Proposals
May 25, 2023 – September 15, 2023



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Section 1. Information and Instructions

1.1 Title and Purpose

Title: New Hampshire Clean Diesel Grant Program: Request for Proposals

Purpose: The United States Environmental Protection Agency (US EPA) Diesel Emissions Reduction Act (DERA) Program, through state-run programs, funds projects that protect human health and improve air quality by reducing harmful emissions from diesel engines. Through the NH Clean Diesel Grant Program, the New Hampshire Department of Environmental Services (NHDES) seeks proposals for eligible diesel emission reduction projects utilizing NH’s federal DERA funding for federal fiscal years (FFYs) 2021-2022 funds and matching funds from New Hampshire’s Volkswagen Mitigation Trust funds (NH VW Trust).

1.2 Background

Despite today’s cleaner vehicles and fuels, millions of 2009 and older diesel vehicles and engines in use across the United States continue to emit large amounts of oxides of nitrogen (NO_x), particulate matter (PM), and air toxics that contribute to serious public health problems including asthma, lung cancer, and various other cardiac and respiratory diseases that can cause lung damage and even premature death. Replacing or retrofitting older diesel equipment will reduce emissions of these pollutants and greenhouse gas emissions, including carbon dioxide (CO₂).

NHDES has been awarded federal DERA funding biennially and makes those funds, including matching funds from the NH VW Trust, available through a competitive grant program. In recent years, approximately \$1,400,000 has been available in each biennium for New Hampshire projects. NHDES awards these funds via a competitive solicitation. Since 2015, NHDES has awarded over \$3,670,000 in federal DERA and NH VW Trust funds for eligible projects. The completed projects will result in emissions reductions of approximately 234 tons of NO_x, 9.6 tons of PM, and greater than 9,700 tons of CO₂ over the lifetime of the projects.

1.3 Available Funding, Restrictions, and Reimbursement

NHDES has \$800,000 available for diesel emissions reduction project awards. NHDES will accept proposals for these funds through September 15. Proposals will be evaluated and scored competitively (see Section 3 for evaluation details) and qualifying projects meeting minimum requirements will be funded. If more proposals are received than can be funded, NHDES will prioritize funding higher scoring projects. NHDES reserves the right to negotiate contracts and to offer partial funding on projects.

Projects that are already in process or completed are not eligible.

Selected applicants may not incur any project costs prior to approval of a grant agreement by the Governor and Executive Council. No funds awarded under the Program shall be used to cover expenses incurred prior to the project period set forth in the contract.

This program is a reimbursement program only. Approved grantees may request reimbursement for eligible project expenses as agreed to in their approved contract. Participants must provide non-federal matching funds for all projects.

No funds awarded under this program shall be used to fund the cost of emissions reductions that are mandated under federal law. The restriction applies when the mandate takes effect (the effective date) for any affected vehicles, engines, or equipment.

This Request for Proposals (RFP), as well as the associated [Appendix B: EPA's DERA State Grants Program Guide](#) (see Sections VIII and IX), which can be found on the NHDES website's [NH State Clean Diesel Grant Program webpage](#), detail certain eligibility requirements. After ensuring your project meets the comprehensive project eligibility requirements, please submit your proposal to the designated contact person below.

1.4 Designated Contact Email Address

Any questions related to this RFP **must be submitted by email** to the Mobile Sources Grants email address, ms-grants@des.nh.gov. NHDES staff may respond by email or phone for answers or clarification. Common questions and responses will be posted in the Frequently Asked Questions (FAQ) document on the [NH State Clean Diesel Program webpage](#).

1.5 Meeting Priorities of Environmental Justice

EPA describes "environmental justice" (EJ) as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies." Visit [EPA's Environmental Justice webpage](#) to learn more about EPA's EJ priorities.

NHDES will work with regional planning commission partners to notify communities across the state of this funding opportunity. NHDES may perform selected outreach to targeted communities of interest to

ensure distribution of this RFP and supporting materials. Prospective applicants may contact NHDES (see Section 1.4) to request informational resources, preliminary eligibility verification, and clarification on language in this document. NHDES will not prepare or assist in the preparation of an application for any applicant nor will NHDES advise prospective applicants on the likelihood of being selected.

NHDES will utilize EPA's [EJScreen mapping tool](#) to evaluate the extent to which an EJ community may be beneficially affected by a proposed project. This evaluation will reflect upon the project's score. See [Section 3. Proposal Evaluation and Award](#), for scoring details.

1.6 Program Schedule

Event	Date/Deadline
Proposal Due Date	September 15, 2023, 11:59 PM Eastern Time
Anticipated Notification of Selected Projects	October 13, 2023
Project Start	Upon Governor & Executive Council Approval
Required Project Completion	September 30, 2024*

If the requested total from all received eligible proposals or from all selected proposals is less than the total available funding amount, NHDES anticipates opening an additional round(s) of project solicitation. NHDES will update the [NH State Clean Diesel Grant Program webpage](#) accordingly.

*Projects must be completed by September 30, 2024. Under certain circumstances, NHDES may allow for an extension, contingent upon whether such extension is granted by EPA. NHDES cannot guarantee an extension will be granted.

1.7 Proposal Submittal

Proposals must follow the format of and provide all information requested in the Project Proposal Form included in [Appendix A1](#) (for vehicle/engine/equipment projects) or [Appendix A2](#) (for off-board idle reduction projects for marine vessels, locomotives, or long-haul trucks) of this RFP, both of which are also found on the [NH State Clean Diesel Program webpage](#). Proposals should be submitted electronically by email attachment to the contact designated in Section 1.4, using the following subject line in the email: **NH DERA FFY22 Program Proposal: [Name of your organization]**

Project Proposal Forms should be signed (electronically or physically) and in PDF format. Additional documents, as requested by the Project Proposal Forms, may be in different file formats (i.e., image files). If you are unable to submit your proposal electronically or have difficulty with file attachments, please contact the Designated Contact Person in Section 1.4 for instructions for alternate submittal. No changes or additions to a proposal will be accepted after submittal. NHDES staff may contact applicants for clarification of submitted information if deemed necessary.

1.8 Cost of Administration

Costs incurred in the preparation of any proposal in response to this RFP, answering clarifying questions, preparing and submitting documents, and preparing and submitting reports are the sole responsibility of the applicant.

1.9 Grant Award

NHDES reserves the right to negotiate the final terms and conditions of the grant award. Recipients must fund the project and then request reimbursement for eligible expenses. **No project costs incurred prior to approval of the contract by the Governor & Executive Council and subsequent Notice to Proceed from NHDES may be reimbursed.**

1.10 Definitions

Throughout this RFP, the following definitions apply to the corresponding terms.

- a. **Unit:** a vehicle, engine, or equipment that is the subject of this RFP.
- b. **Upgrade:** the act of replacing, repowering, remanufacturing, or otherwise modifying a unit.
- c. **Existing unit:** the unit in the applicant's possession at the time of application that is the subject of this application.
- d. **Proposed unit:** the unit which will replace the existing unit through this program **or** the existing unit after it has been repowered/upgraded/remanufactured.
- e. **School Bus:** a bus which meets the National Highway Transportation Safety Administration's definition of a school bus. This definition includes but is not limited to: 1) a bus that is used for purposes that includes carrying students to and from school or related events on a regular basis; 2) is identified with the words "School Bus;" and 3) is painted National School Bus Glossy Yellow.
- f. **Vehicle Class:** a vehicle's weight class as determined by its Gross Vehicle Weight Rating (GVWR). To determine a vehicle's Class by its GVWR, check the GVWR (i.e. on the vehicle's registration) and then use the following definitions:
 - Class 5: 16,001-19,500 lbs. GVWR
 - Class 6: 19,501-26,000 lbs. GVWR
 - Class 7: 26,001-33,000 lbs. GVWR
 - Class 8: 33,001 lbs. GVWR and above

1.11 Eligible Applicants

Eligible applicants include state and local government agencies and departments, municipalities, schools and school districts, colleges and universities, public and private transit companies, marine operators, and private businesses which are listed as in good standing with the New Hampshire Secretary of State.

Previous participation in the State Clean Diesel program does not preclude applicants from selection.

1.12 Eligible Diesel Vehicles, Engines, and Equipment

Diesel units which fall into the following categories are eligible for upgrade projects through this program:

- a. Buses (Transit, Class 5-8 Shuttle, and School Buses of Type A, B, C, and D);
- b. Trucks (Class 5 through Class 8, including Drayage);
- c. Marine Engines (e.g., commercial fishing boats, ferries);
- d. Locomotives; and
- e. Non-road engines, equipment, or vehicles used in:
 - i. Construction (e.g., backhoes, loaders, forklifts),
 - ii. Handling of cargo (including at a port or airport),
 - iii. Agriculture,
 - iv. Mining, or
 - v. Energy production (including stationary generators and pumps).

The following eligibility criteria apply to all projects except for off-board idle reduction projects:

1. Each existing unit must be diesel.
2. Each existing unit must operate the majority of the time in New Hampshire.
3. Each existing unit must be fully operational and in current, regular service.
4. Each existing unit must have a minimum of three years of anticipated operational life remaining. Applicants must include the anticipated date of retirement of the unit on the Project Proposal Form included in Appendix A1 of this RFP.
5. The applicant must currently own and operate each existing unit and have owned and operated it during the two years prior to the anticipated project start date.
6. Usage Requirements: the existing unit must meet or exceed the corresponding usage requirement listed below. Note that for replacement projects, the usage of multiple units may be combined if they all are to be scrapped and replaced with a single unit.
 - a. Agricultural pumps: 250 hours per year during the two years prior to upgrade.
 - b. Locomotive and Marine engines: 1,000 hours per year during the two years prior to upgrade.
 - c. All Other Non-Road Engines: 500 hours per year during the two years prior to upgrade.
 - d. School Buses: 7,000 miles per year during the two years prior to upgrade OR during calendar year (Jan-Dec) 2019.
 - e. All Other Highway Engines: 7,000 miles per year during the two years prior to upgrade.

Certain restrictions are listed in [Appendix B: EPA's DERA State Grants Program Guide](#) (particularly Sections VIII through IX, pages 6-25), which is also found on the [NH State Clean Diesel Grant Program webpage](#). Applicants should review this guide to ensure their proposed project is eligible.

1.13 Eligible Projects

To be eligible, projects must reduce diesel emissions through certified vehicle or equipment replacements, certified engine replacements, certified remanufacture systems, verified idle reduction technologies, verified aerodynamic technologies, and verified low rolling resistance tires.

The grant funding and mandatory cost-share of approved projects are determined by the project type. The table below provides an overview of the Maximum Grant Funding limits and Minimum Mandatory Cost-Share requirements for each eligible technology. Refer to [Appendix B: EPA's DERA State Grants Program Guide](#) to review further details, including links to EPA certification databases.

Table 1. Project Funding Overview

A. Vehicle or Equipment Replacement	Maximum Grant Funding	Minimum Mandatory Cost-Share
Drayage Truck Replacement	50%	50%
Vehicle or Equipment Replacement with EPA Certified Diesel Engine (existing engine model year 2009 or older only)	25%	75%
Vehicle or Equipment Replacement with CARB Certified Low NO _x Engine* (certain propane, CNG, or diesel units)	35%	65%
Vehicle or Equipment Replacement with Zero-tailpipe Emission Power Source (such as battery electric vehicles)	45%	55%

B. Engine Replacement	Maximum Grant Funding	Minimum Mandatory Cost-Share
Engine Replacement with EPA Certified Diesel Engine	40%	60%
Engine Replacement with CARB Certified Low NO _x Engine* (certain propane, CNG, or diesel units)	50%	50%
Engine Replacement with Zero-tailpipe Emission Power Source (such as battery electric)	60%	40%
C.-E. Other Emissions Reduction Projects	Maximum Grant Funding	Minimum Mandatory Cost-Share
EPA Certified Remanufacture Systems (for Locomotives only)	100%	0%
EPA Verified Locomotive Idle Reduction Technologies	40%	60%
EPA Verified Marine Shore Connection Systems	25%	75%
EPA Verified Electrified Parking Space Technologies	30%	70%
EPA Verified Highway Idle Reduction Technologies <i>with</i> previously installed exhaust after-treatment retrofit	100%	0%
EPA Verified Highway Idle Reduction Technologies <i>without</i> new exhaust after-treatment retrofit	25%	75%
EPA Verified Aerodynamics and Low Rolling Resistance Tires when combined with new exhaust after-treatment retrofit	100%	0%

*Refer to [EPA's Low NO_x fact sheet](#) for help in identifying certified Low NO_x Engines. Note that as of February 24, 2022, no diesel engines have been certified as meeting the CARB Optional Low NO_x Standard.

A. Vehicle or Equipment Replacement:

Diesel vehicles and equipment (including highway vehicles, non-road vehicles/equipment, and locomotives) can be replaced under this program with newer, cleaner vehicles and equipment that operate on **alternative fuels** (such as CNG or propane), **zero tailpipe emission sources** (battery, grid, or fuel cell), or **diesel fuel** and use engines certified by EPA (or CARB if applicable) to meet more stringent emission standards. The replacement unit must resemble the replaced unit in form and function.

Projects seeking to replace an existing diesel unit with a **newer diesel** unit are only eligible if the existing unit is engine model 2009 or older. Replacement of an existing diesel unit with a unit with a Low NO_x engine or zero-tailpipe emission power source is not subject to this restriction.

For **electric vehicle projects**, eligible costs may include the purchase and installation of one charging unit per vehicle, including the unit, charging cable, and the mount and/or pedestal. Zero tailpipe emissions vehicles and equipment do not require EPA or CARB certification.

For **alternative fuel projects and electric vehicle projects**, eligible costs may include necessary training for mechanics and/or operators related to the maintenance and operation of new technologies.

B. Engine Replacement:

Diesel engines (including highway engines, non-road engines, locomotive engines, and marine engines) can be replaced under this program with newer, cleaner engines that operate on **alternative fuels** (such as propane and CNG), **zero tailpipe emission sources** (grid, battery, fuel cell), or **diesel fuel** and are

certified by EPA (and CARB if applicable) to meet more stringent emission standards. Zero emission replacements do not require EPA or CARB certification.

Projects seeking to replace a diesel engine with a **newer diesel** engine are only eligible if the existing engine is engine model year 2009 or older. Replacement of an existing diesel engine with a Low NO_x engine or with a zero-tailpipe emission power source is not subject to this restriction.

For **alternative fuel projects and electric vehicle projects**, eligible costs may include necessary training for mechanics and/or drivers related to the maintenance and operation of new technologies.

C. Idle Reduction Technologies:

Eligible projects include installation of on-board idle reduction technology into eligible units as well as installation of standalone, off-board technology. The percentage of funding is specific to the vehicle and project type; refer to **Table 1. Project Funding Overview** for funding percentages.

Technologies eligible for funding include:

1. On-board technology:
 - a. Auxiliary power units and generator sets for long-haul trucks and locomotives
 - b. Fuel operated heaters (direct fired heaters) for buses, long-haul trucks, and locomotives
 - c. Automatic engine shut-down/start-up systems for locomotives
 - d. Battery air conditioning systems and/or thermal storage systems for long-haul trucks
2. Off-board technology:
 - a. Electrified parking spaces or truck stop electrification for long-haul Class 8 trucks and Transport Refrigeration Units (TRUs)
 - b. Shore power connection systems for marine vessels* and locomotives

**Marine vessel shore power connection systems must meet additional eligibility criteria found on pages 9-10 of [Appendix B: EPA's DERA State Grants Program Guide](#) under Section VIII.C.4.e.*

Only EPA verified idle reduction technologies are eligible. The types of idle reduction technologies proposed for funding under this category must exist on [EPA's list of SmartWay Technology](#) for the vehicle/engine use specified in the application at the time of application submission.

Applicants proposing Idle Reduction projects involving the installation of on-board idle reduction technology should use the proposal form found in **Appendix A1**. Projects involving the installation of off-board, standalone idle reduction technology—such as plug-in power pedestals for trucks, locomotives, or marine vessels—should use the proposal form found in **Appendix A2**.

D. Certified Remanufacture Systems (Locomotive Projects):

Funding can cover up to **100%** of the cost (including labor) of certain **locomotive engine upgrades**. Some engines can be upgraded through the application of a certified remanufacture system (i.e. kit). Generally, a certified remanufacture system is applied during an engine rebuild and involves the removal of parts on an engine and replacement with parts that cause the engine to represent an engine configuration which is cleaner than the original engine.

Engine remanufacture systems may not be available for all engines, and not all remanufacture systems may achieve an emissions benefit. Applications for certified remanufacture systems should include a discussion of the availability of engine remanufacture systems and indicate the pre- and post-project emission standard of the engines to demonstrate that the upgrade will result in a PM and/or NO_x

emissions benefit. If a certified remanufacture system is applied at the time of an engine rebuild, funds under this award cannot be used for the entire cost of the engine rebuild, but only for the cost of the certified remanufacture system and associated labor costs for installation of the kit.

To be eligible for funding, remanufacture systems for locomotives must be certified by EPA at the time of acquisition. A list of certified remanufacture systems is available [online](#), and additional information on remanufacture systems is available on the [EPA website](#).

E. Other Projects

Other projects, such as aerodynamic technology retrofits, the use of verified low rolling resistance tires, and other diesel engine remanufactures may be eligible as well. For more information please visit the NH State Clean Diesel Program [webpage](#) and reference the [2022 NHDES DERA Work Plan](#), Vehicles and Technologies, "Section III. Eligible Diesel Emission Reduction Solutions," beginning on page 4.

Section 2. General Conditions

In addition to the specific scope of work that will be executed by contract between NHDES and the selected applicant(s), all applicants must agree to the following if selected for funding:

- 1) The applicant must provide timely responses to NHDES in order to enable development and approval of a contractual agreement in a timely manner.
- 2) For non-road engine/vehicle replacement, the proposed unit's engine must be within 40% of the horsepower of the existing unit's engine.
- 3) For highway vehicle replacement, the proposed vehicle must not be in a larger weight class (i.e. Class 5-8) than the existing vehicle.
- 4) Recipients must provide NHDES with the following information on all involved units:
 - a. Current cumulative mileage/hours of operation
 - b. Annual miles driven/hours of operation
 - c. Annual fuel use and fuel type
 - d. Vehicle, Property, or Hull Identification Number (VIN/PIN/HIN)
 - e. Vessel type (if marine)
 - f. Engine Model
 - g. Engine Model Year
 - h. Vehicle registration (if applicable)
 - i. Gross Vehicle Weight Rating (GVWR)
 - j. Vehicle Class
 - k. Engine Manufacturer
 - l. Engine Serial Number
 - m. Engine Family Name
 - n. Description of routes or typical use
- 5) For replacement projects, each replaced unit shall be taken out of service no later than 15 days from the date that the corresponding replacement unit is put into service.
- 6) For replacement projects, each replaced unit will be scrapped within 90 days from the date that the corresponding replacement unit is put into service. Recipients must scrap the engines being replaced or render them permanently disabled by creating a **minimum 3-inch diameter hole** in the engine block. Recipients must scrap any vehicles or equipment being replaced by also cutting the chassis rail in half. Representatives of NHDES shall be allowed the opportunity to witness the destruction with a two-week (minimum) advance notice of the event.
 - a. The scrapped engine/chassis may be sold for scrap/salvage and funds put towards the mandatory match, so long as the value of the scrap/salvage is reported to NHDES.

- 7) Recipients shall use their proposed units/technology in normal service (for upgrades/replacements, in manners similar to their corresponding existing units) for a period of no less than five years. In the event that recipients sell or surplus their proposed units/technology within five years of the effective date of the contract, recipients may be required to reimburse the State of New Hampshire as specified in the contract.
- 8) Recipients must register any vehicles or equipment procured under this RFP in accordance with New Hampshire law; maintain any vehicles or equipment in accordance with manufacturer recommendations; not make modifications of the emission controls system on any engines; and make all units/technology and related documents (including maintenance records) available for follow-up inspection for five years from date of grant approval, if requested by NHDES.
- 9) Recipients will be required to submit Project Status Reports as described in the contract. A quarterly report will be required on 1/15, 4/15, 7/15, and 10/15 of every year for two (2) years from project start and an annual report will be required on 1/15 of every year for five (5) years from project start. Failure to report will be considered a violation of the terms of the agreement.
- 10) Additional program requirements are outlined in [Appendix B: EPA's DERA State Grants Program Guide](#), which can be found on the NH State Clean Diesel Program webpage (particularly Sections VIII through XII), and should be reviewed prior to applying for funding.

Section 3. Proposal Evaluation and Award

Applications will be evaluated on the criteria in **Table 2. Scoring Criteria**. To be considered for funding, a proposal must score 60 points or more.

If two or more proposals receive the same score, preference will be given to the proposal with the higher score in Criterion A; if those scores are also equal, preference will be given to the proposal with the higher score in Criterion B; if those scores are also equal, preference will be given to the proposal with the higher score in Criterion C. If scores are still equal, preference will be given to the proposal which NHDES staff determine best aligns with EPA's DERA funding priorities.

NHDES reserves the right to offer partial funding for any proposal.

Table 2. Scoring Criteria

Criteria	Points
A. Cost Effectiveness of Emissions Reductions Calculated using EPA's Diesel Emission Quantifier (DEQ) or Shore Power Emissions Calculator (for marine shore power projects only) and based upon the estimated lifetime emission reductions ¹ of NO _x and PM _{2.5} .	45
B. Percent Operation in NH Based on hours of operation or miles traveled within NH.	20
C. Project Benefits an Environmental Justice Community or Population Evaluated using EPA's EJScreen mapping tool for areas most affected by project's proposed emissions reductions (e.g., areas of operation, corporate offices, and lots/depots).	10
D. Greenhouse Gas Emission Reductions Calculated using the DEQ's or Shore Power Emissions Calculator's (for marine shore power projects only) estimated lifetime reduction ¹ of CO ₂ emissions.	10
E. Clarity of Proposal & Potential for Success Based on clarity of application materials, applicant's experience with similar projects, and potential for successful completion of project on time and on budget.	10
F. Project Benefits an Area Populated by Sensitive Receptors Affected unit(s) operates a significant amount of time near groups of people disproportionately impacted by exposure to air pollution (e.g. children, the elderly, populations with underlying health issues).	5
TOTAL	100
Bonus Criteria	Points
G. Replacement with Alternative Fuel Up to 25 points awarded for electric; up to 15 points for compressed natural gas, propane, and plug-in hybrid electric.	25
H. Government Entity Whether or not the unit(s)/technology is owned by a municipality, state agency, school district, or state college/university or will be operated under a contract with one of these entities for no fewer than eight years following the effective date of the project.	10
I. Additional Benefits Other benefits created by the project, including water quality, noise reduction, a plan to showcase the project, leveraging the project for future projects, environmental benefits beyond air quality, and more.	5

¹Lifetime reductions are based on the remaining years of anticipated operation of the unit being replaced and must meet EPA's minimum remaining life requirements.

Section 4. Rights Reserved

NHDES reserves the right to cancel the RFP process at any time for any reason. NHDES also reserves the right to reject any and all submissions in response to this RFP and to waive formalities if doing so is considered to be in the best interests of the New Hampshire State Clean Diesel Grant Program.

APPENDIX A1 – Unit Upgrade/Replacement Project Proposal Form

[Appendix A1: Unit Upgrade/Replacement Project Proposal Form](#) is a fillable proposal form available at the New Hampshire Department of Environmental Services (NHDES) website's [NH State Clean Diesel Grant Program webpage](#). Applicants submitting proposals for projects involving replacement or modification of a vehicle/engine/equipment should use this form. Applicants may either utilize this form or create their own form that contains the same information in the same order and in a similar format. The eligibility restrictions, regulations, and requirements of this RFP apply to the proposal form as well.

APPENDIX A2 – Plug-In Idle Reduction Project Proposal Form

[Appendix A2: Plug-In Idle Reduction Project Proposal Form](#) is a fillable proposal form available at the New Hampshire Department of Environmental Services (NHDES) website's [NH State Clean Diesel Grant Program webpage](#). Applicants submitting proposals for projects involving off-board installation of idle reduction technology (i.e. electrified truck stops) should use this form. Applicants may either utilize this form or create their own form that contains the same information in the same order and in a similar format. The eligibility restrictions, regulations, and requirements of this RFP apply to the proposal form as well.

APPENDIX B: EPA's DERA State Grants Program Guide

Applicants should review [Appendix B: EPA's 2022 DERA State Grants Program Guide](#), which can be found on the NHDES website's [NH State Clean Diesel Grant Program webpage](#), which provides information regarding programmatic requirements. All projects funded with FFY21-22 DERA State Grant funds must meet all eligibility and funding requirements set forth in this program guide. If an applicant is proposing a project that does not meet all the criteria in the Program Guide, the applicant must discuss and justify why the project is being proposed for consideration in their response to Section 3, Item 1 of the Project Proposal Form. Any decisions regarding a particular situation will be made based on the statutes and regulations, and discussions with EPA decision-makers who retain the discretion to adopt approaches on a case-by-case basis that differ from this guidance where appropriate.