

Strengthening CWA Section 319 Nonpoint Source Program

Lynda Hall
Chief, Nonpoint Source Control Branch
Office of Wetlands, Oceans & Watersheds
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319 and the Drivers of Change

- ▶ Background/Driver for EPA's NPS Program Evaluation
- ▶ Key Findings of EPA's NPS Program Evaluation
- ▶ Key Actions for NPS Program Improvements
- ▶ OMB: 319 Priority Goal and USDA/EPA collaboration
- ▶ GAO's 319 Evaluation



Background

- ▶ NPS pollution dominates
 - 76% of TMDLs address waters that are primarily impaired by NPS pollution
- ▶ Downward trend in 319 funding
 - 1999 –2010 – at or above \$200M
 - FY 11 – \$175M
 - FY 12 Budget – \$165M
 - FY13 Request – \$165M



Current 319 funding approach

- ▶ **319 funds divided into**
 - **Base funds** used for wide range of purposes to support state NPS programs, e.g., state and local staff, statewide programs, project oversight
 - **Incremental funds** focus on implementing TMDLs and watershed-based plans (WBPs) to restore impaired waters
 - Up to 20% of total funds may be spent on planning, e.g., TMDL or WBP development



Background, cont'd

- ▶ **Feedback from OMB Jan. 2011**
 - EPA requested, and OMB agreed, that EPA conduct a study to determine how 319 funds are currently used and make recommendations to strengthen the program.
- ▶ **In FY11 EPA undertook a comprehensive review of the 319 program**
 - 165 page report submitted to OMB Nov. 2011
 - Considered uses of base and incremental funds, funds leveraging, expenditure rates, coordination with other federal programs, etc.
 - App. C: potential program enhancements
 - App. D: proposed 319 Priority Goal to update 319 guidelines and update 50% of state programs by Sept. 2013



Key Findings of NPS Study

- ▶ **Base Funds are critical for effective State NPS Programs**
 - Support key components of effective State NPS Programs – core staffing support, enforce state regs (e.g., AFOs), implement statewide initiatives, oversee/support watershed projects
 - Strong State NPS Programs with clear priorities help target/leverage activities of other Federal programs e.g., EQIP
- ▶ **Base and incremental funds yield on-the-ground results**
 - Implementing WBPs/TMDLs
 - States have achieved 362+ Success Stories, aka impaired waters now meeting WQS



Key Findings of NPS Study (cont.)

- ▶ **Many State NPS Management Programs need updating**
 - Are outdated and thus provide limited basis for Satisfactory Progress Determinations
- ▶ **About 20 States provide significant State funding beyond required State match**
- ▶ **CWSRF is under-used for NPS; a few states serve as models.**
- ▶ **319 leverages significant USDA funding**
- ▶ **Satisfactory Progress Reviews hold promise for improving consistency of program management**



Recommendations for Program Enhancement

- ▶ **Use Satisfactory Progress and 319 NPS Program Plan Updates to Strengthen Program and Accountability**
 - Consistent reviews of annual program progress against updated goals and milestones
- ▶ **Regional Competition/Reallocation of Unliquidated Balances**
 - Funds from states not meeting SPD or not sufficiently liquidating funds
- ▶ **Improving Program Management and Achieving Environmental Results**
 - ▶ Funds tracking; environmental outcomes, program progress



Recommendations for Program Enhancement, cont'd

- ▶ Increase Leveraging of CWA State Revolving Funds (CWSRFs) and other sources of state funding

- ▶ Measure Success and Improve Program Accountability
 - Add measures of incremental progress towards (but short of) achieving WQS
 - Tell the story of base funding results

- ▶ Improve Partnership and Collaboration with Federal Agencies –USDA and others
 - FY13 joint water quality initiative USDA/EPA a great opportunity



Implementing the 319 Program Recommendations

- ▶ EPA/States workgroup process underway Jan. 2012
- ▶ Management Group of HQ, Regional and State WDDs
- ▶ Staff Work Group of HQ, Regional and state NPS coordinators
 - Subgroups covering: NPS Program Plans, satisfactory progress determinations, base/incremental allocation of funds, reporting and tracking.
 - Outcomes = options, recommendations and views for EPA to consider when revising the 319 guidelines and making other program management changes
- ▶ Workgroups to run Jan.–June
- ▶ Draft 319 guidelines Sept. 2012, final Nov. 2012



GAO Report on 319 Program

- ▶ *“Nonpoint Source Water Pollution: Greater Oversight and Additional Data Needed for Key EPA Water Program”*
- ▶ Draft received
- ▶ EPA comments due to GAO Apr. 13
- ▶ Overall GAO’s survey findings reflect positively on 319 program.
 - 72% of project managers report their project accomplished all objectives originally identified in project proposal.



Focus of GAO Review

- ▶ GAO's review focused on watershed-based projects implemented with 319 funding.
- ▶ GAO did not conduct a full review of the 319 program:
 - ▶ Did not look at 319-funding within overall context of the protection/restoration of the nation's waters.
 - ▶ No review of state NPS programs/priority setting.
 - ▶ Did not review watershed-based planning.
 - ▶ On USDA role - doesn't mention closer coordination or challenges
 - ▶ Focus was on agricultural projects; urban/LID not emphasized.
- ▶ In summary: GAO addressed limited aspects of the nonpoint source control program.



GAO Report Recommendations

▶ Recommendations for EPA:

1. Provide guidance to EPA Regions on oversight, e.g., updating State NPS Plans, review feasibility of 319-funded projects.
2. Review/revise program measures to reflect (1) overall health of targeted water bodies, i.e. biocriteria, and (2) focus on protecting high quality water bodies.

▶ Recommendation for USDA:

1. NRCS to obtain information on implementation of mitigation measures for NRCS-funded conservation practices that may negatively affect water quality, and ensure water quality protection.



Draft EPA Response to GAO Recommendations

- ▶ EPA will address GAO's recommendations:
 - (1) Guidance to EPA Regions on Oversight:
 - Priority Goal: 50% of states to revise NPS programs by end of FY 2013; provide guidance to states/Regions on state NPS program revisions.
 - Satisfactory Progress Determination guidance for FY13.
 - Based on GAO findings, we plan to solicit best practices for 319 project selection.
 - (2) Review 319 Program Measures:
 - Develop incremental measures of progress to track improvements short of de-listing in impaired waters.
 - Consider ways to measure the benefits of protecting unimpaired waters; place more emphasis on protection in revised 319 guidelines.



319 and TMDLs

- ▶ New directions for both programs
- ▶ Many opportunities, for example:
 - Joint planning and priority-setting
 - TMDLs in NPS priority watersheds
 - NPS-“friendly” TMDLs
 - Tools for TMDL/NPS practitioners



