

**2023 Section 319 Nonpoint Source Program Guidelines Revision**

National Elements - Overall Workgroup Final Report

June 27, 2023

## Table of Contents

1	Executive Summary .....	2
2	Workgroup Description .....	2
3	Workgroup Members .....	3
4	Topic discussion .....	4
5	Program Needs and Suggestions .....	9

## List of Tables

Table 1. Workgroup Members .....	3
----------------------------------	---

## 1 Executive Summary

The National Elements – Overall workgroup convened March through May 2023 as part of the Section 319 program effort to review and update the “[Nonpoint Source Program and Grants Guidelines for States and Territories](#),” issued in 2013 (“Guidelines”). This workgroup reviewed sections of the Guidelines that indicate national program priorities and direction.

This report describes the National Elements – Overall workgroup goals/purpose, its members, the process, and outcomes. Themes and suggestions from each of the four workgroup meetings are detailed in Sections 4 and 5 of this report. Some significant or important takeaways include:

- Since national priorities and measures drive state program planning and priorities, we must ensure that the program priorities are reflected in measures for tracking program progress.
- The Guidelines should be streamlined to provide increased clarity/detail around national expectations and to determine the appropriate use of 319 funds for these priorities which include protection, monitoring, and climate.
- Balancing restoration with protection is a challenge when state NPS programs are most often driven by the restoration of impaired waters due to the numerous impairments to address. Therefore, states suggested that the Guidelines reflect a more holistic approach to address watershed priorities.
- Source water protection plays a significant role in multiple programs. Flexibilities for state NPS programs to pursue source water protection and other priorities that are relevant to their specific NPS issues/goals should be maintained/expanded.
- Climate change impacts such as rising in-stream and in-lake temperatures, changes in precipitation/flow rates, and more frequent and intense storm events will exacerbate existing NPS issues, strain funding resources, and hinder/delay waterbody restorations. Climate change impacts and associated risks such as harmful algal blooms (HABs) should be included in Guidelines sections regarding program and watershed planning, and measuring/tracking program progress to account for the increased time and resources necessary to address these emerging issues.

- Encourage state NPS programs to work closely with EPA regional coordinators to explore flexibilities provided in the Guidelines.

## 2 Workgroup Description

The National Elements – Overall Workgroup was organized and facilitated by co-leads Ellie Flaherty (EPA HQ) and Mike Hoffmann (EPA Region 3) and included NPS program staff from EPA HQ, EPA regional offices, and state agencies. As described above, this workgroup covered multiple program areas and focused on sections of the Guidelines that inform overarching program priorities, goals, and measuring/reporting program progress and successes. Sections of the Guidelines reviewed and discussed by the workgroup include:

- I. § 319 Nonpoint Source Program Goals
- II. Introduction
  - Section D: Relationship to Other State and Federal Programs
    - i - United States Department of Agriculture (USDA)
    - ii - § 303(d) Listing and TMDL Program
    - iii - State Revolving Fund (SRF) Programs
    - iv - Other State and Federal Programs
- IV. Balance of Restoration and Protection Activities
- VI. Measuring and Tracking Our Progress
- VIII. Funding Information
  - B – Urban Stormwater Runoff
  - C – Source Water Protection
  - D – CZARA Implementation
  - E – NPS Monitoring
    - Integration with Ambient Monitoring and Assessment Efforts
    - National NPS Monitoring Program
- IX. Grants Guidelines
  - Section J – CZARA Set Aside
  - Section K – Reporting Requirements
    - i. Background and Intro
    - ii. Reporting Procedures and the Grants Reporting and Tracking System (GRTS)
    - iii. Annual Reports
- Appendix B

## 3 Workgroup Members

A total of 17 members participated in this workgroup including representatives from EPA (nine) and state NPS programs (eight) (Table 1). In addition to the full-time workgroup members, members of other EPA programs were engaged strategically on topics such as CZARA, SRF programs, source water protection, and others.

**Table 1. Workgroup Members**

Name	Affiliation	Email Contact
Ellie Flaherty (co-lead)	EPA, HQ	Flaherty.Ellie@epa.gov
Mike Hoffmann (co-lead)	EPA, Region 3	Hoffmann.Michael@epa.gov

Name	Affiliation	Email Contact
Angela Brown	Indiana Department of Environmental Management	ABrown@idem.IN.gov
Steve Epting	EPA, HQ	epting.steve@epa.gov
Katie Flahive	EPA, HQ	flahive.katie@epa.gov
Robert Goo	EPA, HQ	goo.robert@epa.gov
Thomas Helton	Texas State Soil & Water Conservation Board	thelton@tsswcb.texas.gov
Peter Ismert	EPA, Region 8	ismert.peter@epa.gov
Susan Keydel	EPA, Region 9	Keydel.Susan@epa.gov
Steve Konrady	Iowa Department of Natural Resources	steven.konrady@dnr.iowa.gov
Jason Kuchnicki	Nevada Division of Environmental Protection	kuchnicki@ndep.nv.gov
Krista Mendelman	EPA, Region 10	mendelman.krista@epa.gov
Natalie Muilenberg	Arizona Department of Environmental Quality	muilenberg.natalie@azdeq.gov
Amanda Peck	Florida Department of Environmental Protection	Amanda.Peck@FloridaDEP.gov
Daniel Ross	Nebraska Department of Environment and Energy	daniel.ross@nebraska.gov
Donna Somboonlakana	EPA, Region 2	somboonlakana.donna@epa.gov
Don Waye	EPA, HQ	waye.don@epa.gov
Tate Wentz	Arkansas Department of Agriculture	Tate.Wentz@agriculture.arkansas.gov
Alex Wong	Maine Department of Environmental Protection	Alex.Wong@maine.gov

## 4 Topic discussion

The full, 17-member workgroup held four meetings. Additional planning calls with EPA HQ and EPA regional workgroup members were convened before and after each full workgroup call. Specific sections of the Guidelines were reviewed and discussed by the full workgroup according to the following schedule:

- **Week of 2/27:** IV. Balance of Restoration and Protection Activities, VI. Measuring and Tracking Our Progress, Appendix B
- **Week of 3/20:** VIII. §319 Funding Information Sections B, C, D, E (i. and ii.)
- **Week of 4/3:** IX. Grants Guidelines Sections J and K (i.-iii.)
- **Week of 4/17:** I. NPS program goals and II. Introduction Section D (i.-iv.)

All workgroup meetings followed a similar agenda: welcome/introductions, review of workgroup process, and facilitated discussions that followed pre-prepared discussion questions (developed by workgroup co-leads and EPA workgroup members). Workgroup members were asked to read the sections of the Guidelines prior to the scheduled meeting. A summary of themes and suggestions from each full workgroup call are included below.

*IV - Balance of Restoration and Protection Activities*

- State NPS programs are most often driven by the restoration of impaired waters, although protection efforts play a key role in many state NPS programs. The emphasis/focus on protection varies by state.
  - Many workgroup members described examples of protection work that included a focus on fish/fisheries/aquatic life.
- Workgroup members described the tough challenge of balancing restoration with protection due to the large number of impairments to address and the current focus of the Guidelines on restoration.
- Alternative watershed plan flexibilities have been useful in moving protection work forward in states where protection is a priority in NPS management.
  - Language on the balance of restoration/protection in the Guidelines should coordinate with sections on watershed-based planning and include clear language on the inclusion of protection of healthy watersheds.
- Vague language in this section of the Guidelines prompted several clarifying questions regarding the following excerpt, “However, where a state has an updated NPS management program that identifies protection of unimpaired/high quality waters as a priority and describes its process for identifying such waters, there is flexibility to use a **limited amount of watershed project funds** for activities to protect identified waters following consultation with EPA through § 319 grant work plan negotiations.” Questions were raised on the definition of “limited amount of watershed project funds.” Both state and EPA regional workgroup members supported providing additional context on this language if it is maintained and/or removing this provision entirely.
- Workgroup members noted that the Guidelines could better emphasize national program support for protection efforts. Current language leaves the reader unclear on whether protection is a national priority, and leaves interpretation to the EPA regional office.
- State and EPA regional workgroup members were unclear whether there is a definition of “protection” projects and suggest including criteria in the revised version of the Guidelines. For example, when describing protection of high-quality waters, are the Guidelines referring to Category 1 waters only? Can a project be designated as "protection" if the waterbody is impaired, but the work is addressing another potential pollutant/source of impairment?
- Multiple workgroup members explained that state NPS programs are often focused on the restoration of impaired waters because 303(d) delistings and load reduction estimates have historically been the primary program metrics, and there is no national program metric for tracking the impacts of implementing protection projects.
  - Workgroup member quote, "We focus a lot on the problems rather than proactive protection. I think more metrics or perhaps requirements around protection would help provide more balance."
- Workgroup members noted that there is not currently a national method of sharing protection work (like success stories), making it more difficult to showcase protection projects.
- Workgroup members noted that protection work can be more cost-effective over time by preventing damage as opposed to paying for restoration work. State workgroup members suggested emphasizing this point in the Guidelines.
- Workgroup members noted that restoration and protection work is more intertwined in NPS management than what is reflected in the 2014 Guidelines. NPS programs are targeting whole systems as opposed to individual waterbodies or waterbody segments.
- Workgroup members emphasized that putting practices in place ahead of climate change impacts can provide mitigation and protection benefits.

## *VI - Measuring and Tracking Our Progress/Appendix B*

- State programs rely heavily on metrics outlined in the Guidelines and workgroup members noted that it is imperative that national program priorities be reflected clearly so state programs can incorporate them into their planning.
- Workgroup members noted that current program measures are very outcome based (i.e., number of waterbodies removed from the 303(d) list of impaired waters). Workgroup members questioned whether this “long game” program tracking method is the best way to showcase program progress.
  - Workgroup member comment: “Climate change will prolong NPS work, meaning achieving water quality standards and waterbody delistings may take longer. Delisting should not be used as a short-term measure of tracking progress.”
    - Example of interim success: bioassessment results
- Workgroup members expressed it would be helpful to better understand the climate co-benefits associated with NPS best management practices (BMPs) to track work related to resilience. Flood reduction co-benefits were of particular interest to workgroup members.
  - Workgroup suggestion: include interim metrics related to pre-disaster resilience and disaster response.
- Workgroup members emphasized that maintaining flexibility is important for states to identify other relevant indicators/measures of success for their programs.
  - Some states are focusing progress tracking/measures around certain pollutants.
- Workgroup members noted that using signs of progress/success that are directly applicable to day-to-day life are best when communicating with the public and partners (i.e., HAB reduction, beach closures, drinking water safety, etc.).

## *VIII, B. - Urban Stormwater Runoff*

- The emphasis on stormwater management activities in NPS management plans varies by state – sometimes depending on inclusion of green infrastructure/low impact development requirements in MS4 permits.
- Several questions were raised by workgroup members on the specific types of stormwater work/practices that can be funded through Section 319, and workgroup members requested additional clarity in the Guidelines or separate supporting resources.
- Workgroup members suggested that the Guidelines emphasize that EPA regional staff be involved early in the process to assist in determining whether a state’s identification of potential urban stormwater projects can be funded before a project is developed.
- A workgroup member noted that deicing practices may shift with climate change, and having flexibility in what 319 can fund practice-wise as opposed to structural BMPs would be useful.

## *VIII, C. - Source Water Protection*

- Workgroup members reported significant coordination between state NPS programs and their state source water programs. (Examples include: giving priority for source water areas in Section 319 RFPs and partnership with department of public health/source water suppliers).
- Workgroup members suggested including language in the Guidelines that both surface and groundwater source water areas can be eligible for 319 funding.
- Multiple climate and equity considerations raised by workgroup members, including:
  - Increased natural hazards including drought, flood, and HAB events will exacerbate source water concerns and stress treatment systems. In particular, smaller community water

treatment systems will not have necessary resources to respond to stress events and source water work may fall more on watershed coordinators.

- Workgroup members suggested including info on NRCS EQIP program available for states to identify priority source waters and potential use of DWSRF set asides for source water work.

#### *VIII, D. - CZARA Implementation*

- Workgroup members reported varying levels of engagement with state CZARA programs – some state NPS programs have check-in calls with sister-agencies on CZARA plan development/progress, others are not directly engaged.
- Workgroup members expressed the desire for greater clarity on expectations for CZARA implementation.
  - Workgroup suggestion: include crosswalk on CZARA requirements in section of Guidelines addressing nonpoint source management project plan (NPSMPP) development.
  - Workgroup suggestion: reference CZARA under partnerships/leveraging section of the Guidelines. Workgroup members expressed that CZARA/319 seems to be described as mostly a funding relationship in the current Guidelines; however, this partnership also represents an integration of programs that is different from other state agencies.
- Workgroup members expressed the desire for guidance on the level of Section 319 funds that should be put toward CZARA implementation and other coastal work, including coral and shoreline stabilization/protection work.
- Workgroup members noted that there is potential for NPS programs to better partner with NOAA on emerging coastal issues (including HABs).

#### *VIII, E. i. - NPS Monitoring – Integration with Ambient Monitoring and Assessment Efforts and VIII, E. ii. - National NPS Monitoring Program*

- Workgroup members reported a variety of types and level of coordination with monitoring and assessment (M&A) programs.
  - Some state M&A programs coordinate with NPS programs to include NPS priority areas/projects in state M&A priorities, however in some cases there are competing monitoring priorities and state NPS programs rely on Section 319 funds to monitor NPS projects that are not covered by M&A programs.
    - Workgroup members emphasized the importance of flexibility provided in Guidelines for states to adopt monitoring approaches/partnerships that meet specific state needs.
    - Workgroup members emphasized that M&A programs like Section 106 can be reliably used for base ambient water quality monitoring, but Section 319 funding is important to fill the gaps in needs for NPS-specific project monitoring.
- Currently there is a heavy emphasis on water quality monitoring in state NPS programs, which is driven by TMDLs and 303d listing/delisting and current national NPS program metrics for measuring/tracking program progress. Some state NPS programs are striving to use bioassessment more, while others also conduct BMP effectiveness monitoring, but resources for this are limited.
- Workgroup members suggested that documenting protection of high-quality waters could be added in the Guidelines as an eligible monitoring activity.
- Workgroup members noted that guidance on what EPA prioritizes in monitoring would be useful (i.e., is long-term monitoring still a national priority? If so, this section of the Guidelines should be updated).

- Workgroup members noted that general ambient monitoring programs often do not answer the same questions as long-term monitoring.

#### *Section J – CZARA Set Aside*

- Workgroup members noted that this section only applies to a few state NPS programs still seeking CZARA approval, and could be consolidated with *VIII, D. CZARA Implementation* as the set-aside requirement, a
- Workgroup members noted that this section is unclear whether the set-aside applies to states with a CNPCP that has been disapproved by NOAA and EPA.
- Workgroup members noted that language in this section is unclear on funding level withholding requirements for state NPS programs still seeking CZARA approval. Workgroup members suggested allowing the EPA region to scale funding requirements as appropriate. (Example: allocate “up to \$X” for CZARA set aside as opposed to current, fixed \$100K requirement).

#### *Section IX., K. Reporting Requirements, ii. Reporting Procedures and the Grants Reporting and Tracking System (GRTS)*

- Workgroup members emphasized that section of the Guidelines is important in demonstrating GRTS reporting requirements to state management.
  - Workgroup member quote, "It is supportive to show 1) we have to [complete GRTS reporting] and 2) why it is important".
  - EPA workgroup member comment: “We (the EPA NPS program) should acknowledge appreciation for our states who put a lot of info into GRTS and emphasize why GRTS reporting is useful”:
- Workgroup members noted that GRTS reporting is efficient in terms of cost and time (i.e., regions can view data/project info without asking for it).
- Workgroup members agreed that the Guidelines are not the place for GRTS technical guidance, and the Guidelines should point to GRTS homepage for technical support.

#### *Section IX., K. Reporting Requirements, iii. Annual Reports*

- Workgroup members noted that it is challenging to collect and compile all relevant information on statewide NPS planning/projects from all partners and sister agencies annually.
  - EPA workgroup member suggestion: Include language emphasizing that annual reports can be succinct and do not need to be exhaustive or duplicative of other types of reporting.
- EPA workgroup members encouraged state NPS programs to work with regional coordinators on format, content, etc. to explore potential flexibilities in annual reporting.
- Some states NPS programs are including new sections in their annual reports on environmental justice (EJ). Workgroup feedback on including EJ in annual reporting included:
  - “It would be good to provide some examples of what that reporting would look like.”
  - “EPA needs to be clear in Guidelines what we are requiring and offering examples to consider.”
  - “Not sure how to even measure climate resilience and benefits to underserved communities.”
- Workgroup members noted that some state programs adjust annual report content and formatting to maximize outreach potential (i.e., story maps), and workgroup members suggested clearly outlining EPA requirements for annual reports vs optional elements.

- EPA workgroup member comment: “Guidelines should encourage grantees to upload annual reports to GRTS.”

## *II – Introduction, Section D: Relationship to Other State and Federal Programs*

- Workgroup members noted that this section is quite lengthy and can be overwhelming. In revising the Guidelines, workgroup members suggested that EPA consider the level of information that is appropriate for an introduction.
- Workgroup members noted that this section of the Guidelines leaves the reader unclear what is expected/required of state NPS programs vs what is only encouraged and/or an example of a potential partnership.
  - Workgroup members suggested reframing this section from background information on other programs to instead address specifically how NPS programs can engage/leverage partnerships with other programs/agencies.
    - Workgroup members further suggested that it would be helpful to include best practice list for engaging partners/partnerships.
  - Workgroup members suggested clarifying state role in establishing and maintaining partnerships with other programs in the Guidelines.
- Workgroup members emphasized that the current flexibility in the Guidelines for states to pursue the partnerships that support their NPS goals should be maintained, and that language around potential partnerships should be framed as examples/options vs prescriptive requirements.
- Workgroup members noted that the National Resource Conservation Service (NRCS) section of the Guidelines emphasizes TMDL-based goals, and noted that they would like to see more emphasis on non-TMDLs derivatives (i.e., Mississippi nutrient reduction strategy or other regional/geographic initiatives).
- Workgroup members suggested expanding language in this section on the linkage between Section 319 and 604(b).
- Workgroup members noted that there is not currently a reference to partnership with Tribes in this section and suggested this be included in this section along with the recent flexibilities outlined in NPS program equity memos.
- Workgroup members suggested including language encouraging state NPS programs to engage in NPS collaborative groups that guide state planning (i.e., state technical committees).

## *I – § 319 Nonpoint Source Program Goals*

- Workgroup consensus that this section is well written and concise.
- Workgroup members suggested including language on climate, equity, nutrients/HABs, NPS enforcement, and protection in program goals.

## **5 Program Needs and Suggestions**

The following section provides a summary of program needs, suggestions, and action items for EPA to take into consideration when conducting the Guidelines revision process. These suggestions/action items are intended for EPA and were informed by workgroup discussions (detailed in Section 4).

### *Overall*

- Be mindful of language document-wide when describing requirements vs examples/suggestions (i.e., should = expectations).
- Acknowledge the fiscal and temporal impacts that climate change will have on NPS management. Build in flexibilities in planning and eligible uses of funds for climate-related priorities.
- Acknowledge time lag in NPS work and emphasize a continuous improvement approach to NPS management/practice implementation.
- Ensure that actions and progress made by NPS enforcement programs are captured across the Guidelines, including in language on planning, eligible use of funds, and measuring and tracking progress.

#### *IV - Balance of Restoration and Protection Activities*

- Consider including a national measure on protection and a method for tracking protection project progress and successes.
- Reframe language in *Balance of Restoration and Protection* section to better emphasize that protection is a national program priority and provide clear support for state NPS programs to pursue protection of healthy waters in their planning.
- *Balance of Restoration and Protection* section should connect/refer to the sections about watershed-based planning and include clear language on how state programs should include the protection of healthy watersheds in NPS management planning.
- Clarify the definition of “protection projects” and “high quality/healthy waters” to support state NPS programs in identifying and describing protection work.
- Update protection project examples/scenarios with results from 2022 workshop.

#### *VI - Measuring and Tracking Our Progress/Appendix B*

- Consider methods of tracking/reporting on interim progress outside of water quality standard attainment/delisting from Categories 4 and 5 of the 303(d) list.
- Provide state NPS programs with a wide range of options/flexibility in identifying types of relevant indicators/measures of interim progress for their programs.

#### *VIII, B. - Urban Stormwater Runoff*

- Consider resources that may be provided to support states/regions in determining eligible stormwater activities in MS4 areas.
- Emphasize early involvement of EPA regional staff in state identification of potential urban stormwater projects.

#### *VIII, C. - Source Water Protection*

- Link to additional opportunities for source water partnerships (EQIP and DWSRF).
- Emphasize that both surface and groundwater source water areas can be eligible for 319 funding.
- Include examples of how state NPS programs have included source water protection in their planning and/or collaborated with source water partners.

#### *VIII, D. - CZARA Implementation*

- Clarify funding and coordination expectations for states with approved CZARA programs.

- Include information on CZARA requirements in NPSMPP section.
- Include *CZARA Implementation* under partnerships/leveraging.
- Include language encouraging CZARA-related milestones in 5-year nonpoint source management plans (NPSMPs)/annual reports for states with coastal nonpoint programs.

*VIII, E. i. - NPS Monitoring – Integration with Ambient Monitoring and Assessment Efforts and VIII, E. ii. - National NPS Monitoring Program*

- Emphasize the use of M&A programs like Section 106 for base ambient monitoring and the use of Section 319 funds to fill gaps for NPS-specific monitoring needs.
- Maintain flexibility for states to adopt monitoring approaches/partnerships that meet specific state needs.
- Include documenting protection of high-quality waters as an eligible monitoring activity.
- Update National NPS Monitoring Program section to reflect current national priorities.

*Section J – CZARA Set Aside*

- Consolidate this section with *CZARA Implementation*.
- Clarify that the set-aside funds are not distributed/allocated to states with a CNPPs that have not been approved by NOAA and EPA.
- Update/clarify language around funding levels (described in Section 4).

*Section IX., K. Reporting Requirements, ii. Reporting Procedures and the Grants Reporting and Tracking System (GRTS)*

- Emphasize the value of GRTS in tracking NPS program progress and communicating program impact.
- Maintain clear language indicating that GRTS reporting is a grant requirement, and encourage grantees to report through GRTS as often as possible.
- Include reference to .xml form subgrantees can use to enter data to send to state NPS staff for upload to GRTS.
- Point to GRTS homepage for technical support.

*Section IX., K. Reporting Requirements, iii. Annual Reports*

- Include language emphasizing that annual reports can be succinct and do not need to be exhaustive or duplicative of other types of reporting.
- Include language encouraging state NPS programs to work with regional coordinators on format, content, etc. to explore potential flexibilities in annual reporting.
- Include examples showing how state NPS programs can report on EJ/equity related work in annual reports.
- Clearly outline required vs optional annual report elements.

*II – Introduction, Section D: Relationship to Other State and Federal Programs*

- Consider whether the level of information in this section is appropriate (particularly for the Introduction).

- Reframe this section from background information on other programs to specifically how NPS programs can engage/leverage partnerships with other programs.
- Organize this section around EPA/Clean Water Act vs non-EPA/Clean Water Act programs for clarity.
- Clarify state role in establishing and maintaining partnerships with other programs.
- Expand this section to include other relevant partnerships referenced in Section 4.

*I – § 319 Nonpoint Source Program Goals*

- Include language on climate, equity, nutrients/HABs, NPS enforcement, and protection in program goals.
- Maintain clear and succinct format of the 2014 version of this section.