

Panel Discussion on CWA §319(h) NPS Grant Program Changes and Strategies for Moving Forward

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Texas Watershed Coordinator Roundtable
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Waco, TX

Discussion Topics

- EPA's report to OMB – *A National Evaluation of the Clean Water Act Section 319 Program*
- GAO's report to Congress – review of the EPA's §319 NPS Management Program
- 2012 Update to the *Texas NPS Management Program, Watershed Action Planning, and grant funding priorities*

EPA's report to OMB

- Completed in November 2011; 192 pgs
- national program evaluation was conducted by EPA to
 - improve understanding of how States currently utilize and leverage §319(h) grant funds to achieve NPS management program goals and
 - identify opportunities for improvement of the §319(h) program
- Recommendations for programmatic improvement included in report may be used by EPA, OMB, the Administration, or Congress to improve accountability and effectiveness of §319(h) grant program
- <http://www.epa.gov/owow/nps/pdf/319evaluation.pdf>

Topics covered in report

- 319 funding breakdown & State agency FTEs
- State regulatory authorities for NPS mgmt
- Leveraging funds beyond 319
- Coordination with USDA
- Use of CWSRF for NPS
- State Processes for Solicitation, Prioritization and Selection of 319 Projects
- TMDLs and WPPs

Overall Themes

- Accelerate water quality improvements and restoration through greater program integration and more timely implementation of NPS controls
- Increase accountability through greater use of satisfactory progress reviews, improved measures and updated NPS Management Program Plans
- Continue to make progress in restoring specific waterbodies while strengthening state approaches that can achieve more rapid improvement on a broad scale
- Increase leveraging of 319 NPS funds with other federal, state, local, and private sector funding

Recommendations

- Use Satisfactory Progress Provision to Strengthen States' NPS Management Programs & Improve Accountability
- Update States' NPS Management Programs
- Regional Competition/Reallocation of funds that have not been expended by the end of the grant period & a portion of new FY funds
- Accelerate achievement of environmental results
- Increase Use and Leveraging of CWSRF and other Sources of State Funding
- Measuring Success and Improving Program Accountability
- Improve Partnership and Collaboration with USDA to More Effectively Address NPS Pollution

GAO's report to Congress

- review of the EPA's §319 NPS Management Program
- Requested by U.S. House of Representatives, Transportation and Infrastructure Committee, Subcommittee on Water Resources and Environment
- Target completion January 2012

Objectives

- Determine how States are implementing their NPS management programs
- Assess how EPA oversees 319 program and measures its effectiveness at meeting program goals
- Examine key challenges to achieving the goals established by the 319 program

Methodology

- State 319 Agencies
 - % of pass-thru funds and who receives them
 - FTEs to manage program
 - Project selection and prioritization process
- Subgrantees (directly)
 - web based survey
 - sample of several hundred 319 project managers (subgrantees) across the nation

2012 Update to Texas NPS Management Program

- State's comprehensive strategy to protect & restore water quality in waterbodies impacted by NPS water pollution
- jointly administered by TSSWCB & TCEQ
- Federally-approved Program required to receive 319 funds
- Last revised in December 2005
- <http://www.tsswcb.texas.gov/managementprogram#revision>

Key Content

- Chapter 1 Nine Components of the Program
- Chapter 2 Long- and Short-Term Goals of the Program
- Chapter 3 Watershed Action Planning
- Chapter 5 Programmatic Agency Descriptions
- Appendix C NPS Priority Watershed Report (excerpt from WAP)
- Appendix E Milestones for Program

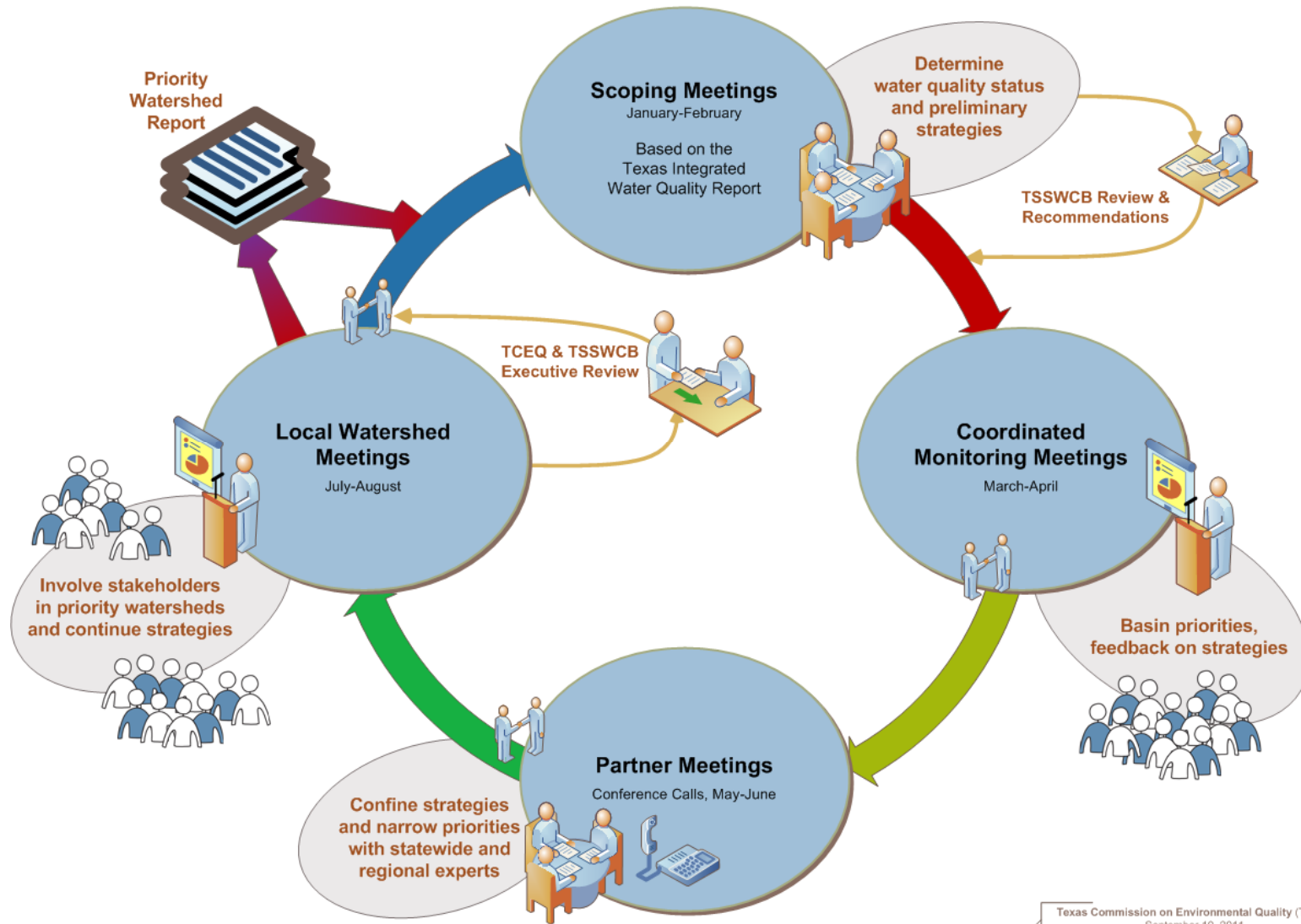
Timeline

- TSSWCB proposal date: January 19, 2012
- TCEQ proposal date: January 25, 2012
- Anticipated Texas Register publication date: February 10, 2012
- Public meeting: February 23, 2012 in Austin
- Public comment period: February 10, 2012 through March 12, 2012
- Anticipated TSSWCB adoption date: May 17, 2012
- Anticipated TCEQ adoption date: May 30, 2012

Watershed Action Planning

- new process for coordinating, documenting, and tracking the State's water quality management programs, including the *Texas NPS Management Program*
- coordinates planning and activities among TCEQ, TSSWCB, the Texas Clean Rivers Program partners, and stakeholders at the watershed level
- can have significant implications for regional and local residents
- major objectives of WAP are to
 - engage stakeholders more fully in determining strategies that restore water quality,
 - improve access to state agencies' water quality management decisions and increase transparency of decision-making
 - improve accountability of state agencies' commitments to improve water quality
- <http://www.tceq.texas.gov/waterquality/planning/wap/index>

Annual Watershed Action Planning Process



Texas Commission on Environmental Quality (TCEQ)
September 10, 2011

Watershed Action Planning

- During 2011, participating agencies initiated the first iteration of the WAP process
- recommended strategies for nearly 1,190 impairments and over 30 special interest waterbodies – *Watershed Action Planning Strategy Table*
- a subset of these recommendations is included in the 2012 Management Program

**Watershed Action Planning Strategy Table, December 2011
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

Column Heading	Term	Definition				
Segment & Assessment Unit		Segment Number and Assessment Unit Number identify water bodies or portions of water bodies. The SegID may be one of two types of numbers: 1) a classified segment number (4 digits, eg. 0101B), as defined in Appendix A of the Texas Surface Water Quality Standards (TSWQS), or 2) a partially classified or unclassified water body (five digits, eg. 0116A) in the same watershed as a classified segment. Assessment Unit is a further subdivision of a segment.				
Segment Name		Segment name as identified in the 2010 Texas Integrated Report for Clean Water Act Sections 305(b) and 303(d).				
Impairment		Water quality impairment as identified in the 2010 Texas Integrated Report (IR) for Clean Water Act Sections 305(b) and 303(d); or water quality issue identified by the WAP partners for a special interest (SI) water body.				
Impairment Category	4a, 4b, 4c, 5a, 5b, 5c, 5f	Category in the Texas Integrated Report (IR) or a special interest (SI) water body identified by the WAP partners. Category 4: Standard is not supported or is threatened for one or more designated uses but a TMDL is not necessary. Category 4a - TMDL has already been completed and approved by EPA. Category 4b - Other pollution control requirements are reasonably expected to result in the attainment of the standard in the near future. Category 4c - Non-support of the standard is not caused by a pollutant. Category 5: The water body does not meet applicable water quality standards or is threatened for one or more designated uses by one or more pollutants. Category 5a - A TMDL is underway, scheduled, or will be scheduled. Category 5b - A review of the water quality standards for this water body will be conducted before a TMDL is scheduled. Category 5c - Additional data and information will be collected before a TMDL is scheduled.				
Strategy	Monitoring	More data is needed in order to determine the severity and/or area of the impairment before determining the most appropriate restoration activity. Limited to the acquisition of more data through a special study or targeted monitoring.				
	Evaluation	A more comprehensive, site-specific analysis than the one conducted for the Integrated Report (IR) is required.				
	WQS Review	Development of a Use Attainability Analysis (UAA) of a specific water body or segment, which could result in a recommendation to change a use or associated criterion. Such changes would then be made through revisions to the Texas Surface WQS, which are subject to public review, and must be adopted by TCEQ and approved by EPA.				
	TMDL/Plan	A Total Maximum Daily Load (TMDL) and Implementation Plan (I-Plan) are planned, scheduled, under development, or being implemented for the water body. A TMDL determines the maximum amount of a pollutant a water body can receive and still achieve its water quality standards. A TMDL I-Plan is locally developed and describes the activities stakeholders will undertake to achieve the pollutant reductions identified in the TMDL.				
	WPP	A Watershed Protection Plan (WPP) is planned, scheduled, under development, or being implemented. WPPs are locally developed, designed to meet water quality standards, and satisfy EPA guidance and criteria.				
	Other	The impairment cannot be addressed by one or more of the other identified strategies (Monitoring, Evaluation, etc.).				
Status	Consulting	Before proceeding, additional guidance and input is needed, eg. from watershed stakeholders and other experts.				
	Planning	Project or activity to execute the strategy is being planned, but funding is not yet secured or contract not yet in place.				
	Scheduled	Funding is secured and contract in place to execute the strategy, but no work has yet been initiated.				
	Underway	One or more projects that implement the strategy have been initiated.				
	Completed	Strategy completed.				
	Reassessment	Pending reassessment under the next iteration of the Texas Integrated Report (IR).				
	TBD	The Lead will seek more information in order to document the current status.				
Lead Agency	TCEQ-WAP	TCEQ - Watershed Action Planning group				
	TCEQ - NPS	TCEQ - Nonpoint Source Program				
	TCEQ - TMDL	TCEQ - Total Maximum Daily Load Program				
	TCEQ - WQS	TCEQ - Water Quality Standards Program				
	TCEQ - SWQM	TCEQ - Surface Water Quality Monitoring Program				
	TCEQ - CRP	TCEQ - Clean Rivers Program				
	TSSWCB - SRM	Texas State Soil and Water Conservation Board - Statewide Resource Management group				
	3 rd Party	An organization or program other than one of the TCEQ or TSSWCB programs identified.				
Data Begins						
SEGMENT and ASSESSMENT UNIT	SEGMENT NAME	IMPAIRMENT	IMPAIRMENT CATEGORY	STRATEGY	STATUS	LEAD
0101A_01	Dixon Creek (unclassified water body)	bacteria	5b	WQS Review	Planning	TSSWCB - SRM
0101B_01	Rock Creek (unclassified water body)	bacteria	5c	Evaluation	Consulting	TCEQ - WAP
0103C_01	Unnamed Tributary to West Amarillo Creek	bacteria	5b	WQS Review	Planning	TSSWCB - SRM
0104_02	Wolf Creek	bacteria	5b	Evaluation	Planning	TCEQ - WQS
0102_01	Lake Meredith	chloride	5c	Evaluation	Consulting	TCEQ - WAP
0102_02	Lake Meredith	chloride	5c	Evaluation	Consulting	TCEQ - WAP

Priority Watersheds Report - Texas Nonpoint Source Program

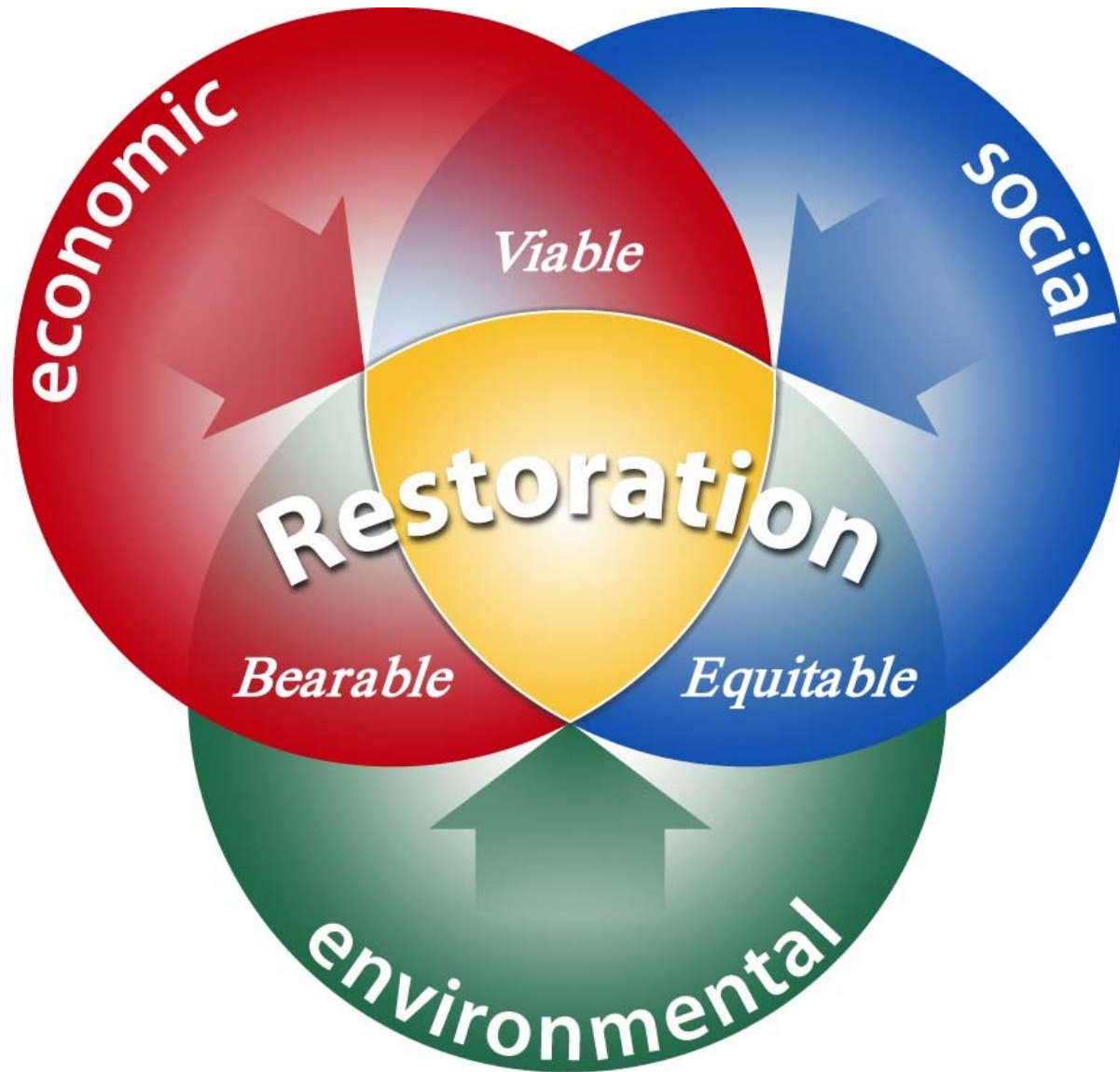
SEGMENT & AU	SEGMENT NAME	IMPAIRMENT	IR CATEGORY	WAP Strategy	Status	Lead
0101A_01	Dixon Creek (unclassified water body)	bacteria	5b	WQS Review	Planning	TSSWCB - SRM
0101B_01	Rock Creek (unclassified water body)	bacteria	5c	Evaluation	Consulting	TCEQ - WAP
0103_01	Canadian River Above Lake Meredith	chloride	5c	WQS Review	Scheduled	TCEQ - WQS
0103_02	Canadian River Above Lake Meredith	chloride	5c	WQS Review	Scheduled	TCEQ - WQS
0103_03	Canadian River Above Lake Meredith	chloride	5c	WQS Review	Scheduled	TCEQ - WQS
0103C_01	Unnamed Tributary to West Amarillo Creek (unclassified water body)	bacteria	5b	WQS Review	Planning	TSSWCB - SRM
0104_02	Wolf Creek	bacteria	5b	Evaluation	Planning	TCEQ - WQS
0201A_01	Mud Creek (unclassified water body)	bacteria	5c	WQS Review	Planning	TSSWCB - SRM
0201A_01	Mud Creek (unclassified water body)	depressed dissolved oxygen	5c	WQS Review	Planning	TCEQ - WQS
0202A_01	Bois D' Arc Creek (unclassified water body)	bacteria	5b	WQS Review	Planning	TCEQ - WQS
0202A_02	Bois D' Arc Creek (unclassified water body)	bacteria	5b	WQS Review	Planning	TCEQ - WQS
0202F_01	Choctaw Creek (unclassified water body)	bacteria	5b	Evaluation	Underway	TCEQ - WQS
0202F_02	Choctaw Creek (unclassified water body)	bacteria	5b	Evaluation	Underway	TCEQ - WQS
0202G_01	Smith Creek (unclassified water body)	bacteria	5b	Evaluation	Underway	TCEQ - WQS
0202K_01	Iron Ore Creek (unclassified water body)	bacteria	5b	Evaluation	Underway	TCEQ - WQS
0206B_01	South Groesbeck Creek (unclassified water body)	bacteria	5b	Evaluation	Underway	TCEQ - WQS
0207_04	Lower Prairie Dog Town Fork Red River	bacteria	5b	WQS Review	Planning	TCEQ - WQS
0207A	Buck Creek	SI	SI	WPP	Underway	TSSWCB - SRM
0214_02	Wichita River Below Diversion Lake Dam	bacteria	5c	Evaluation	Underway	TCEQ - WQS

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NPS Mgt Program Update Public Comment Draft

319 Funding Priorities

- From FY2010 to FY2012, 319 cut 18% at national level
- Achieve restoration – success stories – targeting waterbodies
- ULOs > 3 yrs
- Accountability
- Reporting
- Regional competition of “unused” funds



Parsons 2010 & Adams 2006

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