



# Nonpoint Source Guidelines Revision 2023

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US EPA

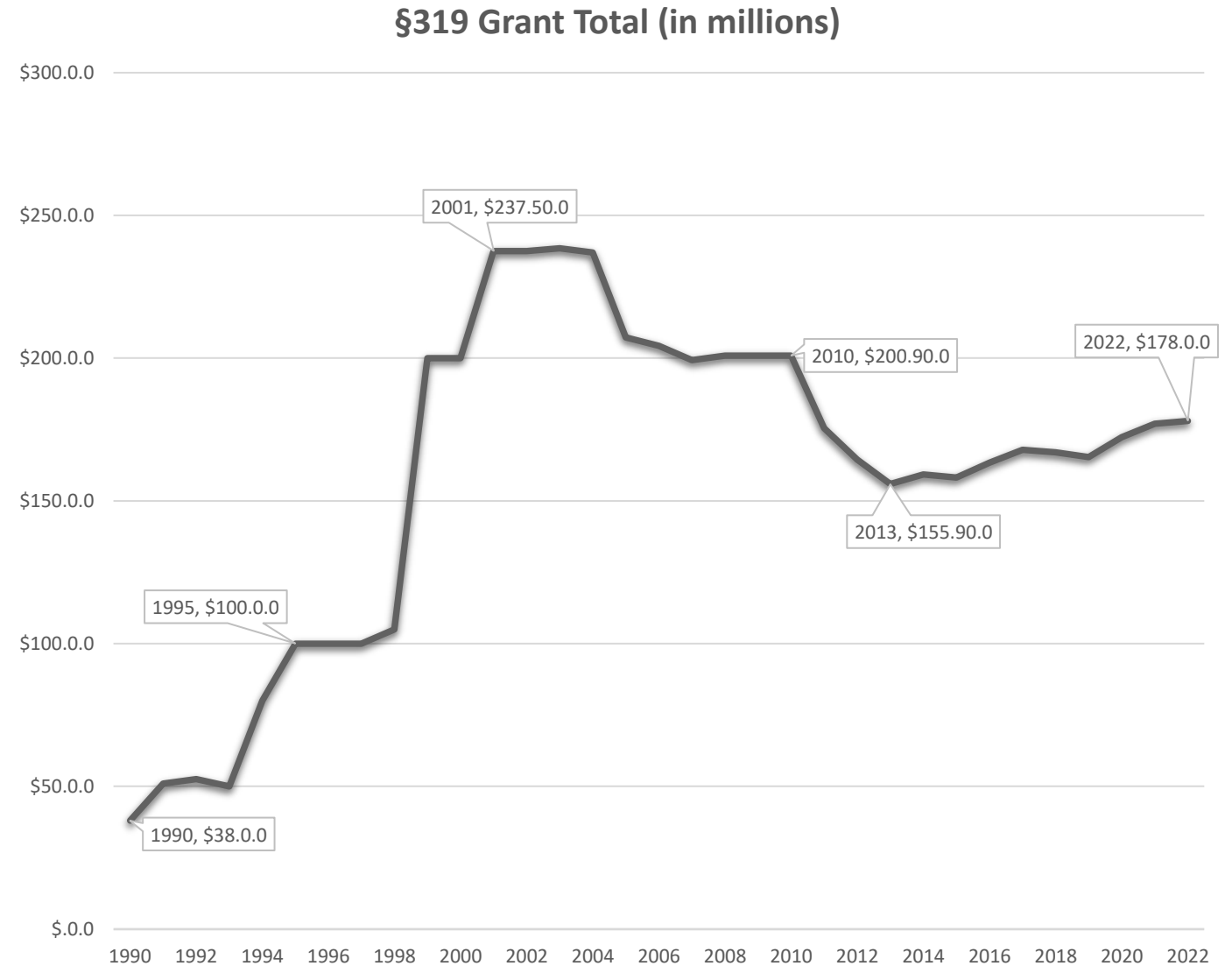
August 10, 2023

# Agenda

- Background
- Process Overview
- Workgroup Feedback
- Potential EPA Revisions
- Discussion Questions:
  - Draft Guidelines revision highlights
  - Thoughts on engagement going forward
- Next steps

# Guidelines History:

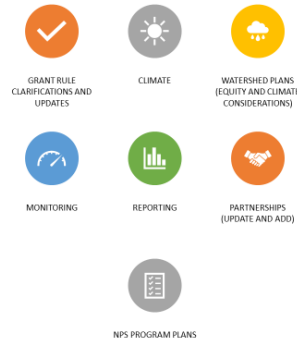
- Program Development: 1987 – 2003
- EPA program review + GAO Audit: 2011 – 2012
- 2013 Current Guidelines



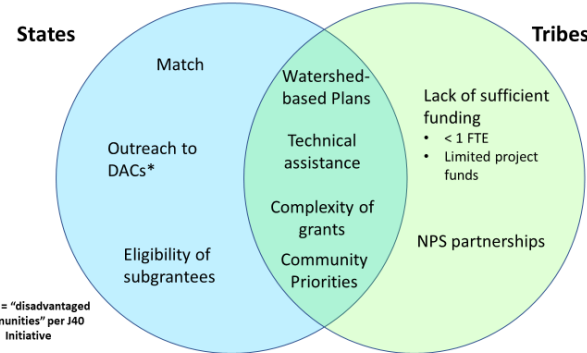
# Guidelines Revisions Incorporating Lessons and New Focus Areas

- Lessons from last 10 years
- Ensuring Equitable Access to 319 Program Benefits
- Climate Adaptation and Resilience

## Regional preliminary feedback



## Workgroup feedback: NPS barriers to equity



## Climate Considerations

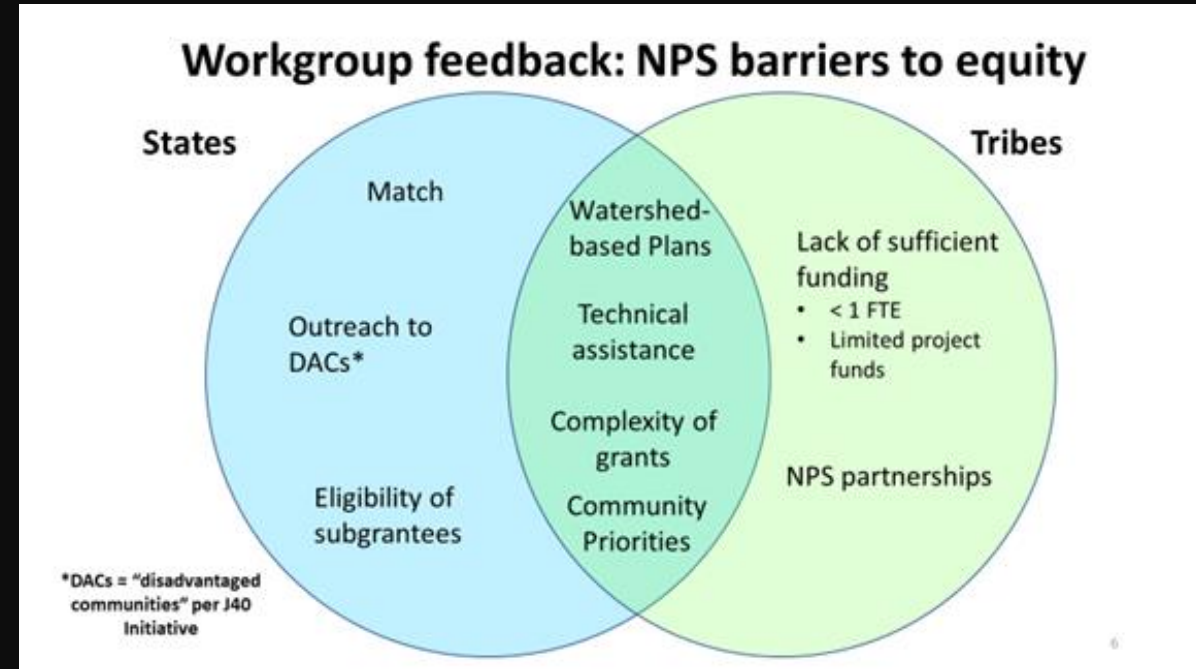
- Natural Disasters (Flood, Drought Fire)
- Co-benefits
- Source Water Protection
- Healthy Waters Protection
- BMP Design
- Watershed planning
- Nonpoint Source Management Program Plans



# 2022 National Equity Engagement:

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- 12 listening sessions
    - 8 with grantees
    - 4 with subrecipients
  - 4 grantee workgroups
    - Including 7 EPA Regions, 15 States and, 15 Tribes
  - 2 rounds of Tribal consultation
  - September 2022 EPA NPS Equity Memo
  - Increase in EJ considerations in 2023 in RFAs for state grants, match waivers and more
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# Guidelines Revision - Workgroups



# Work Group Arrangement – By Topic

## Basic Grant Elements Work Group

- Statutory background
- Multiyear workplans
- Statutory 319 requirements – Satisfactory Progress Determinations
- Climate and Equity

## Workplan Elements Work Group

- Workplans
- Program/project
- Alternative watershed based plans
- Climate and Equity

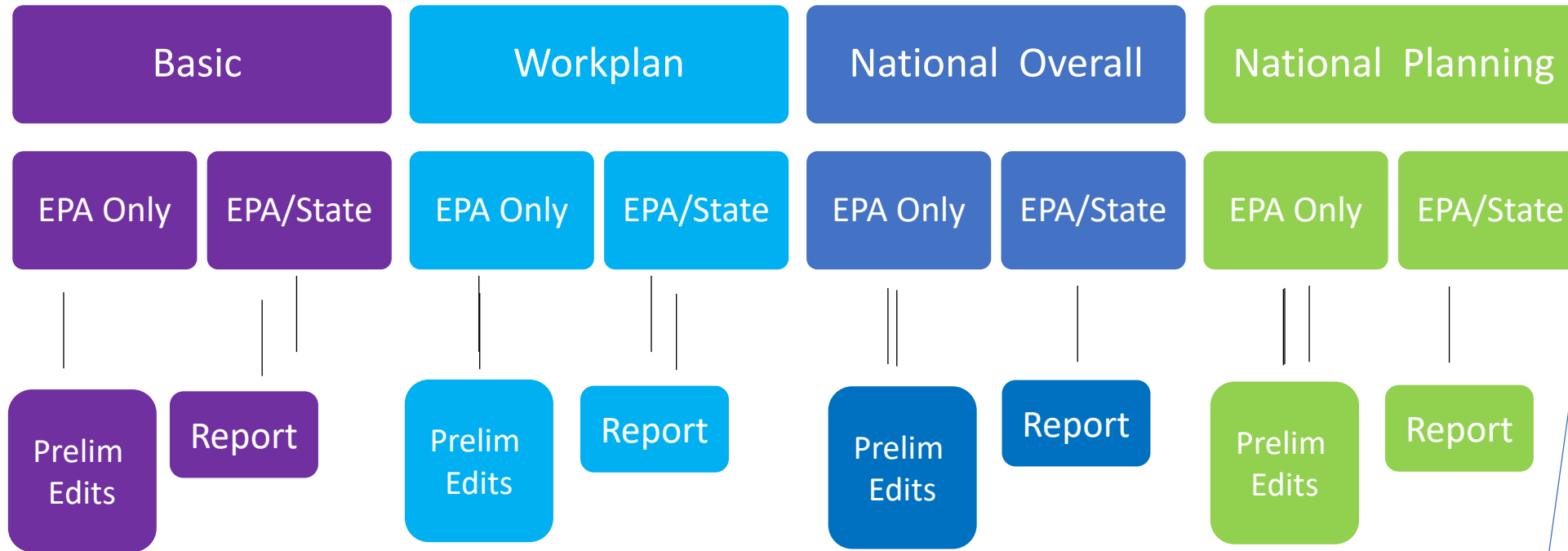
## National Overall Work Group

- Intro
- Eligible activities
- Climate and Equity
- Partnerships
- Reporting

## National Planning (NPSMP and WBPs) Work Group

- NPS Program plans
- Watershed plans
- Related appendices
- Climate and Equity

# Topic Team leads



Workgroups included NPS Program staff from 27 States, all 10 Regions, and Headquarters as Workgroup members or subject matter experts.

Expert input by topic area



# Basic Grant Elements Work Group

- States could benefit from examples showing different ways Satisfactory Progress Determination has been met
- Flexibility needed to include qualitative as well as quantitative measures/metrics (especially when considering climate and equity)
- Greater clarity on options for managing 319 grant

# Workplan Elements Work Group

- States requested additional information on level of detail required for alternative plans along with some information on the review process.
- Creative ideas to support capacity building and watershed planning efforts that benefit underserved communities.
- Increased clarity around success stories – trying to find ways to highlight successes in the guidelines

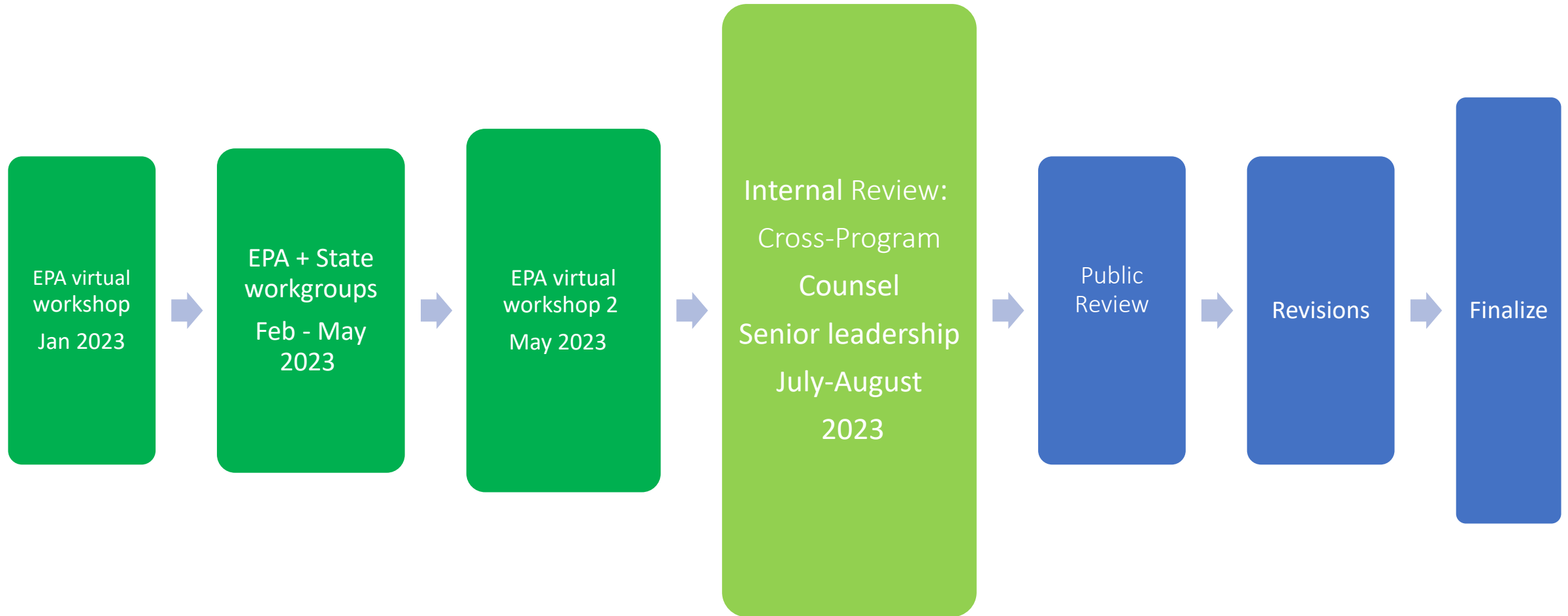
# National Overall Work Group

- Ensure program priorities are appropriately reflected in measures for tracking progress (i.e., protection).
- Desire for increased clarity/detail around national expectations and limitations on the use of 319 funds for priorities including protection, monitoring, and climate.
- Existing guidelines flexibilities for topics including alternative watershed planning, source water protection, and monitoring have been useful in tailoring program priorities to state needs.

# National Planning (NPSMP and WBPs) Work Group

- State members would like to see more examples of NPSMPs and WBPs from other states that EPA could cite in the guidelines
- State members expressed desire for more guidance to understand how much detail/complexity EPA would like to see in WBPs
- State members have difficulty seeing where plans from other programs fit in with WBPs (TMDLs, Hazard Mitigation Plans, etc.)

# Guideline Revision process



# Simplify and provide greater clarity on expectations (statute, regulations, and examples)

- Greater discussion of statutory and regulatory expectations.
- Reorient each section of the guidelines to the driving statute or regulation.
- Discuss how national priorities may be balanced against state-specific issues.
- Improved balance of examples with detailed technical assistance.
  - Some in-text examples
  - Complementary Q&A document with greater technical detail

# NPSMPP: Flexibilities and Expectations

- Nonpoint Source Management Program Plans: Updated Every 5 Years
- Flexibilities
  - To address emerging concerns such as **natural disasters or emerging contaminants**.
  - To **protect healthy watersheds** and utilize **protection measures** in conjunction with restoration.
- Expectations
  - Include plans for ensuring **equitable access to program benefits** and **climate resilient** watershed projects

# Watershed Project Funding: Flexibilities and Clarifications

- Watershed Project Funding: minimum of 50% of §319 grant in watershed “projects”
- Flexibilities
  - Watershed plan development, capacity building, and demonstration projects **in underserved communities**.
  - Local watershed coordinators to implement **watershed finance partnerships** utilizing CWSRF funding.
- Clarifications
  - **NPS regulatory programs** activities that can be funded with program versus project dollars.



Watershed  
Based Plans:  
Clarifications,  
examples and  
flexibilities.

## 9 element plans

- Clarification regarding **appropriate geographic scale** and **level of detail**
- Examples for leveraging existing plans like **NRCS watershed assessments** and **Hazard Mitigation Plans**

## Alternative plans

- EPA-approved, up-to-date **Tribal NPS management program plan**
- Potential to utilize **NWQI/NRCS watershed assessments** if addressing agricultural NPS issues.

# Discussion

- Was there something that you did not hear in this overview that you are curious about?
- Was there something new that came to mind that we should know about?

# Ongoing Engagement

- What would support your review and comment of guidelines and relevant documents?
- If EPA has additional follow up discussion topics what is your preferred format to provide input?

# Next Steps

- EPA completes Draft review and releases for public review
- Public comment
- Contact Amanda Reed ([reed.amanda@epa.gov](mailto:reed.amanda@epa.gov)) or Cyd Curtis ([curtis.cynthia@epa.gov](mailto:curtis.cynthia@epa.gov)) with any questions
- EPA web page for guideline updates information:
- <https://www.epa.gov/nps/319-grant-guidance-update>