2014 Clean Water Act (CWA) 319(h) Nonpoint Source (NPS) Grants Program

June 18, 2013
SacPEMA Presentation

CALIFORNIA
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

Presentation Outline

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- CWA 319(h) Project Examples

Clean Water Act 319(h)

- Purpose: To address nonpoint source (NPS) pollution.

- Funding: Program and project funding provided by the U.S. Environmental Protection Agency (U.S. EPA) to states, territories and tribes.

Definition of NPS Pollution

What is NPS pollution?

- "Nonpoint source" means any source of water pollution that does not meet the legal definition of a "point source".
  - Per CWA 502(14) a "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

Definition of NPS Pollution (con't)

Unlike pollution from industrial and sewage treatment plants, nonpoint source (NPS) pollution comes from many diffuse sources. NPS pollution is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters and ground waters.

Definition of NPS Pollution (con't)

Nonpoint source pollution can include:

- Excess fertilizers, herbicides and pesticides from agricultural lands and residential areas;
- Oil, grease and toxic chemicals from urban runoff and energy production;
- Sediment from improperly managed construction sites, crop and forest lands, and eroding stream banks;
- Salt from irrigation practices and acid drainage from abandoned mines;
- Bacteria and nutrients from livestock, pet wastes, and faulty septic systems; or
- Atmospheric deposition and hydromodification.

Why Do We Use the Term "Management Measures" (MMs) and What Does It Mean

- Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) require implementation of MMs in six land use categories:

1. Agriculture
2. Forestry (Silviculture)
3. Urban
4. Marinas and Recreational Boating
5. Hydromodification
6. Wetlands, Riparian Areas, and Vegetated Treatment Systems

- The State is committed to implementing the 61 NPS MMs by 2013 consistent with Federal Administrative Guidance.

Definition of Management Measure

- **Management Measure (MM) –** defined in section 6217 of CZARA as economically achievable measures to control the addition of pollutants to our coastal waters, which reflect the greatest degree of pollutant reduction achievable through the application of the best available NPS pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives.

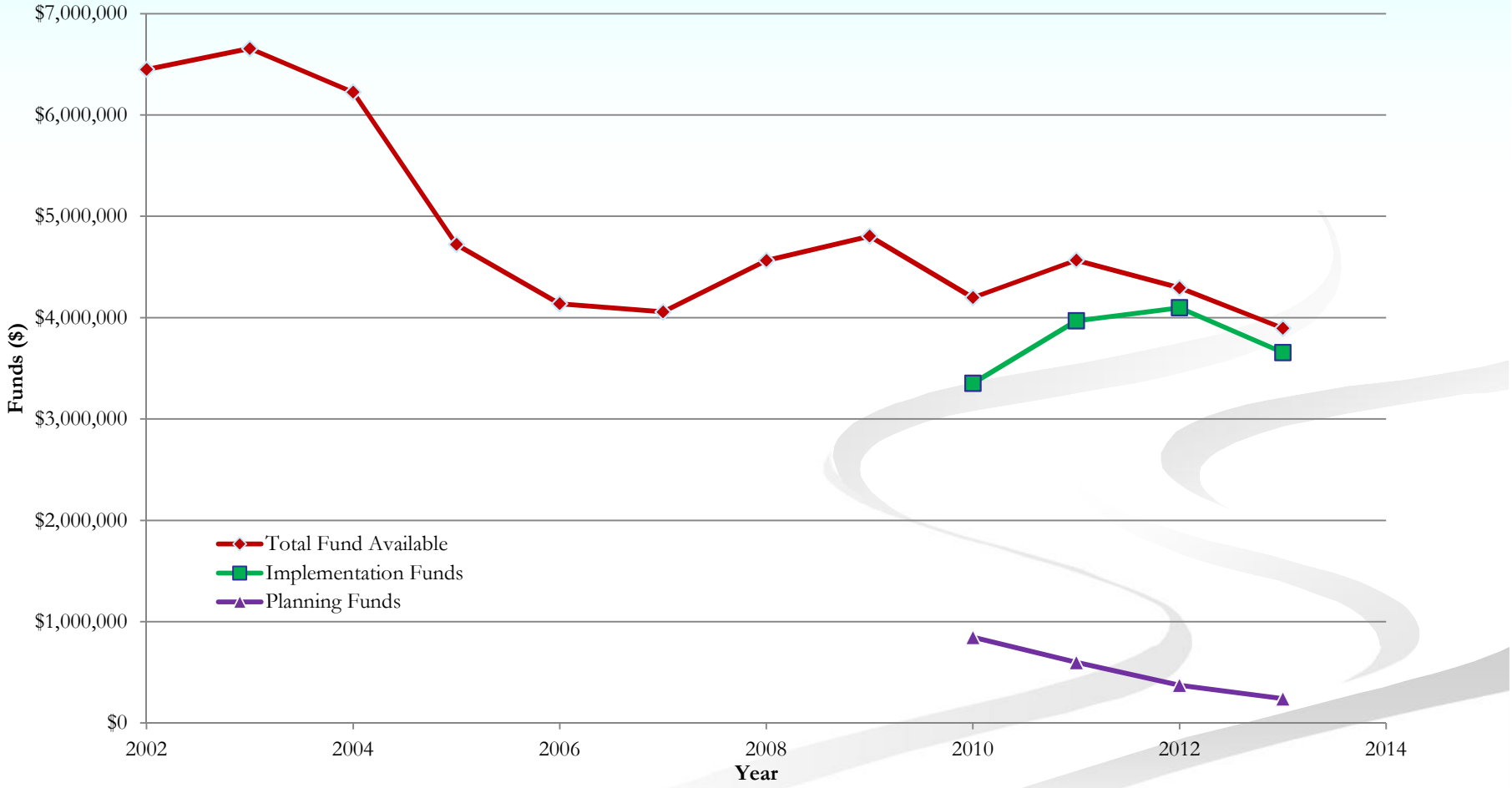
Definition of Management Practice (MP)

Management Practice (MP) – activities that include, but are not limited to, structural and non-structural (operational) controls which may be applied before, during and after pollution producing activities to eliminate or reduce the generation of NPS discharges and the introduction of pollutants into receiving waters.

Clean Water Act 319(h) Project Funding

- Goal: To support planning and implementation projects that address NPS water quality problems in surface and ground water
- Annual solicitation for Planning/Assessment and Implementation projects
- Approximately $4.0 million is made available for the 2014 Solicitation

Clean Water Act 319(h) Project Funding (con't)



Clean Water Act 319(h) Project Funding (con't)

Planning/Assessment Projects

- Approximately $1.0 million available
  - Minimum project funding = $75,000
  - Maximum project funding = $125,000
- Maximum grant period is two (2) years.
- Activities that improve watershed plans by carrying out targeted planning/assessment efforts that clearly lead to implementing activities to achieve quantifiable water quality goals.

Clean Water Act 319(h) Project Funding (con't)

Implementation Projects

- Approximately $3.0 million
  - Minimum project funding = $250,000
  - Maximum project funding = $750,000

- Maximum grant period is three (3) years.

- Implement on-the-ground activities that control NPS pollution to achieve quantifiable water quality benefits identified in TMDLs and comprehensive watershed plans

Clean Water Act 319(h) Request for Proposal (RFP) Requirements

Eligible Applicants

- Local public agencies
- Public agencies
- Public colleges
- 501(c)(3) nonprofit organizations
- Federally recognized Indian tribes
- Federal and state agencies

Clean Water Act 319(h) Request for Proposal (RFP) Requirements

Project Eligibility

- Must meet one or more 2014 CWA 319(h) Program Preferences.
- Minimum 25% match of the **total project cost**
  - 75% for septic system upgrades
  - May be waived for a Disadvantaged Community (DAC)
- Located in a watershed that has a plan or suite of plans that meet the Nine Key Elements.
- Applicants must work with the appropriate Regional Water Board Grant Contact when developing their proposals.

Clean Water Act 319(h) Request for Proposal (RFP) Requirements (con't)

Additional Project Eligibility

- **National Pollutant Discharge and Elimination Discharge Systems (NPDES) and Municipal Storm Water Separate Sewer System (MS4)**
  - Implementation and Planning/Assessment Projects that are within the boundaries of a NPDES permitted urban, area-wide storm water program can be considered provided that those projects are in areas that are not directly tributary to a MS4, involve actions above the specific MS4 requirements, and/or address land use activities specifically excluded by the permit.

Clean Water Act 319(h) RFP Requirements (con't)

Project Eligibility: Proposal Content

- Must include planning/assessment or implementation activities that contribute to reduced pollutant loads as called for in a TMDL.
- Must implement activities that are part of watershed plans that address the U.S. EPA Nine Key Elements of a Watershed-based Plan.
- Must be included in RWQCB's NPS Program Preferences.
- Must ensure the continued proper operation and maintenance of all management practices.

Clean Water Act 319(h) RFP Requirements (con't)

NPS Program Preferences

- Designed to achieve water quality goals for watersheds and pollutants identified.
- Are watersheds with an adopted/nearly adopted TMDL addressing the constituent of concern.
- Regions prioritize 3-5 watershed to focus water quality efforts in order to demonstrate measurable improvement.
- Located in Section I of Attachment 1 - Program Guidelines of the Solicitation Notice

Clean Water Act 319(h) RFP Requirements (con't)

North Coast RWQCB NPS Program Preferences

TMDL Watershed	Implementation Projects TMDL Constituent(s)	Planning Projects TMDL Constituent(s)
Navarro River	<u>Temperature:</u> Off-stream storage, roof top catchment systems, water use efficiency projects, and any other water conservation measures to reduce summer diversions / increase summer flows. <u>Sediment:</u> Sediment source reduction projects for roads <u>Sediment/Temperature:</u> Riparian planting. Farm and/or vineyard water quality management plan development, implementation, and/or monitoring. Development of 3rd party farm and/or vineyard water quality management programs.	<u>Temperature:</u> Coordinated diversion planning to ensure adequate flows and temperatures to sustain beneficial uses <u>Sediment:</u> Develop erosion control plans to address sediment pollution associated with agricultural activities, grazing, rural roads, and forestlands. <u>Sediment/Temperature:</u> Develop plans to address sedimentation issues in the riparian zone through restoration actions, such as: stream bank stabilization through bioengineering, increasing in-stream habitat complexity, introduction of large woody material, and regeneration of native plant communities.

Clean Water Act 319(h) RFP Requirements (con't)

Funding Match Requirements

- Minimum 25% match of the **total project cost**
  - 75% for septic system upgrades
  - May be waived / reduced if Disadvantaged Community criteria met.
- Must be non-State funded match.
  - State Agencies may use State funds for match.

Reimbursable Expenses

- Only direct costs related to projects are eligible for reimbursement
- Timeframe: Only work performed within terms of grant agreement

Clean Water Act 319(h) RFP Requirements (con't)

Funding Match Calculation Example

Total Project Cost	Grant and Fund Match Using the Minimum Funding Match Requirement (25% of total)	
	Funding Match	**Grant Funds**
$750,000	0.25 x $750,000 = **$187,500**	$750,000 – $187,500 = **$562,500**

***See Section D, Page 9 of Attachment 1 of the Solicitation Notice for Reduced Funding Match Calculation**

Clean Water Act 319(h) RFP Requirements (con't)

Funding Match Calculation Septic System Example

Total Project Cost	Grant and Fund Match Using the Minimum Funding Match Requirement for Septic System Upgrades (75% of total)	
	Funding Match	**Grant Funds**
$750,000	0.75 x $750,000 = **$562,500**	$750,000 – $562,500 = **$187,500**

***See Section D, Page 9 of Attachment 1 of the Solicitation Notice for Reduced Funding Match Calculation**

Clean Water Act 319(h) RFP Requirements (con't)

Watershed Plans

- Implementation Projects must be consistent with watershed plans that address the US EPA's Nine Key Elements (Nine Key Elements)
- Planning/Assessment Projects must have Elements 1 – 3 of the Nine Key Elements fully developed and includes one of the following:
  - Completes watershed planning and assessment to fully address all Nine Key Elements
  - Provide information necessary to fully develop at least one of the missing or partially-completed elements.
  - Complete other priority planning/assessment activities, and provide a brief description of how the missing or incomplete elements of the Nine Key Elements will be completed, including remaining work to be done, what entities will complete the work, and a time schedule for completion of remaining elements.

Clean Water Act 319(h) RFP Requirements (con't)

Nine Key Elements for Watershed-Based Plans per CWA Section 319

- **<u>Element 1:</u> Causes and Sources**
  Clearly define the causes and sources of impairment (physical, chemical, and biological).

- **<u>Element 2:</u> Expected Load Reductions**
  An estimate of the load reductions expected for each of the management measures (MMs) or management practices (MPs) to be implemented (recognizing the natural variability and the difficulty in precisely predicting the performance of MMs/MPs over time).

Clean Water Act 319(h) RFP Requirements (con't)

Nine Elements (continued)

- **<u>Element 3:</u> Management Measures**
  A description of the management measures or management practices and associated costs that will need to be implemented to achieve the load reductions estimated in this plan and an identification (using a map or a description) of the critical areas where those measures are needed.

- **<u>Element 4:</u> Technical and Financial Assistance**
  An estimate of the amounts of technical and financial assistance needed, associated costs, and/or the sources and authorities that will be relied upon, to implement this plan.

Clean Water Act 319(h) RFP Requirements (con't)

Nine Elements (continued)

- **<u>Element 5:</u> Information/Education**
  An information/education component that will be used to enhance public understanding of the project and encourage their early and continued participation in selecting, designing, and implementing management measures.

- **<u>Element 6:</u> Schedule**
  A schedule for implementing management measures identified in this plan that is reasonably expeditious.

Clean Water Act 319(h) RFP Requirements (con't)

Nine Elements (continued)

- **<u>Element 7:</u> Measurable Milestones**
  A schedule of interim, measurable milestones for determining whether the management measures and management practices, or other control actions are being implemented.

- **<u>Element 8:</u> Evaluation of Progress**
  A set of criteria that can be used to determine whether load reductions are being achieved over time and substantial progress is being made towards attaining water quality standards and, if not, the criteria for determining whether the plan needs to be revised or, if a TMDL has been established, whether the TMDL needs to be revised.

Clean Water Act 319(h) RFP Requirements (con't)

Nine Elements (continued)

- **<u>Element 9:</u> Monitoring**
  A monitoring component to evaluate the effectiveness of the implementation efforts over time, measured against the criteria established in the Evaluation of Progress element.

Clean Water Act 319(h) RFP Requirements (con't)

Project Timing:

- Grant Agreement Finalized by — June 30, 2015
- Final Project Report
  - Planning/Assessment — June 1, 2017
  - Implementation — June 1, 2018
- Project End Date
  - Planning/Assessment — June 30, 2017
  - Implementation — June 30, 2018
- Final Invoicing
  - Planning/Assessment — July 31, 2017
  - Implementation — July 31, 2018

Clean Water Act 319(h) RFP Requirements (con't)

Concept Proposal (CP)

- Provides a general overview of the project by addressing specific questions including how it:
  - Conforms to U.S.EPA's "Nine (9) Minimum Elements to be Included in a Watershed Plan for Impaired Waters Funded Using Incremental CWA Section 319 Funds"
  - Coordinates with other related water quality improvement efforts in the watershed
  - Implements actions that achieve the water quality goals of the TMDLs in the watershed
- Applications are reviewed by a panel consisting of representatives from the nine Regional Water Quality Control Boards, State Water Board, and U.S.EPA (Review Panel).
- Approved CP applicants will advance to the Full Proposal (FP) phase where they will submit an expanded proposal.

Clean Water Act 319(h) RFP Requirements (con't)

Full Proposal (FP)

- The FP Phase consists of submitting additional and expanded CP information.
- Comments to be addressed from the CP will be provided.
- Must address a series of narrative and table attachments outlined in the FP Solicitation including:
  - A narrative describing the project and project area;
  - How the project addresses the requirements of the Nine Key Elements and the TMDL;
  - Detailed task and line item budgets; and
  - Commitment letters from the entities providing the required 25 percent match for the project (except individual septic system upgrades which requires a minimum match of 75 percent).
- The FPs are reviewed and ranked by the Review Panel and a list of recommended projects sent to the State Water Board Executive Director (ED) for approval.

Clean Water Act 319(h) RFP Requirements (con't)

Keys to Successful Project Selection

- Work with Regional Board CWA 319 Grant agreement liaison;
- Demonstrate project feasibility;
- Demonstrate security of match requirement; and
- Demonstrate stakeholder involvement and coordination.

How to Submit Your Concept Proposal

- Submitted via Financial Assistance Application Submittal Tool (FAAST)

  https://faast.waterboards.ca.gov

- **Due by 5:00 PM on Thursday, September 12, 2013**
- FAAST Questionnaire
  - Implementation Projects - Mandatory 6 page narrative attachment (not including Map and Budget).
  - Planning/Assessment Projects- Mandatory 5 page narrative attachment not including Map and Budget).
  - Specific instructions are in Attachment 2 of the Solicitation Notice.

Clean Water Act 319(h) RFP Schedule

Grant Application Review and Selection Timeline

- Solicitation Opens — Aug 5, 2013
- Concept Proposal Apps Due — Sept 12, 2013
- Invitation for Full Proposals (Tentative) — Nov 18, 2013 (Tentative)
- Full Proposal Apps Due (Tentative) — Jan 16, 2014 (Tentative)
- SWRCB Exec. Director Approval — May 2014

<u>Project:</u> South Fork Trinity River Watershed Restoration
<u>Regional Board:</u> North Coast – Region 1
<u>Grantee:</u> Trinity County Resource Conservation District
<u>Total Cost</u>: $615,000 (Match: $165,000)

Example of pre-construction erosion

Example of construction activities

<u>Project:</u> South Fork Trinity River Watershed Restoration
<u>Regional Board:</u> North Coast – Region 1
<u>Grantee:</u> Trinity County Resource Conservation District
<u>Total Cost</u>: $615,000 (Match: $165,000)

Project: Napa River Rutherford Reach Restoration Project - Phase 2, Reach 3
Regional Board: San Francisco Bay – Region 2
Grantee: Napa County Flood Control and Water Conservation District
Total Cost: $1,490,000 (Match: $775,000)

<u>Project:</u> Implementation of Management Practices To Reduce Agricultural TMDL Loads in the Calleguas Creek and Santa Clara River Watershed
<u>Regional Board:</u> Los Angeles – Region 4
<u>Grantee:</u> Regents of the University of California
<u>Total Cost</u>: $920,372 (Match: $197,372)

Sediment Basin captures rain runoff and allows sediment to drop out of the water. Capturing sediment also reduced legacy pesticides.

Alfalfa growing at the end of strawberry rows, grows as a sacrificial plant to capture dust and attract mites, which reduces pesticide use to the strawberry crop.

<u>Project:</u> Erosion Control Project Repairs Damage from Off Road Vehicle Use In the Secret Ravine Watershed
<u>Regional Board:</u> Central Valley – Region 5
<u>Grantee:</u> Dry Creek Conservancy
<u>Total Cost</u>: $94,890 (Match: $51,497)

The above is an example of an erosion control BMP installed in the project area. At this site ORV use had created an informal road over a small hill (left photo). Erosion control matting and a water bar were installed and the area was seeded and mulched (right photo).

<u>Project:</u> Recovery of Stream Habitats at Managed Grazing Sites in the West Walker River Watershed, Mono County, CA
<u>Regional Board:</u> Lahontan – Region 6
<u>Grantee:</u> Regents University of California
<u>Total Cost</u>: $96,890 (Match: $0)

Exclusion Fencing Installed at the Project Site

Three years after management measures were in place (2002)

Project: Stream Restoration Efforts to Reduce Impact of Urbanization
Regional Board: Santa Ana River – Region 8
Grantee: Riverside Corona Resource Conservation District
Total Cost: $534,435 (Match: $284,435)

Site of grade stabilizer before installation of keyway. Over 10,000 pounds of rock were placed by hand by crews from the California Conservation Corps to complete the project. Work on the stabilizer began in winter of 2005.

Grade stabilizer after installation and planting of riparian and wetland plants in spring of 2007.

<u>Project:</u> Shelter Island Yacht Basin Copper Hull Paint Conversion Project
<u>Regional Board:</u> San Diego – Region 9
<u>Grantee:</u> Port of San Diego
<u>Total Cost</u>: $600,000 (Match: $233,800)

Figure 3. Boaters listen to speaker panel during Hull Paint Expo

Figure 4. Expo attendees check out demonstration boats painted with non-biocide hull paint

<u>Project:</u> Shelter Island Yacht Basin Copper Hull Paint Conversion Project
<u>Regional Board:</u> San Diego – Region 9
<u>Grantee:</u> Port of San Diego
<u>Total Cost</u>: $600,000 (Match: $233,800)

Wind & Sea, a 32' sailboat, painted with Intersleek 900

Wind & Sea, a 32' sailboat, painted with Intersleek 900

For More Information

- PROGRAM QUESTIONS
  - Solicitation Notice, Attachments are posted

http://www.waterboards.ca.gov/water_issues/programs/nps/solicitation_notice.shtml

  - Contact your State Water Board, Regional Water Board, or U.S. EPA Grant Coordinators listed in Appendix 7 of the Program Guidelines and Attachment 3 of the Solicitation Notice

- FAAST ONLINE APPLICATION
  - Email FAAST_ADMIN@waterboards.ca.gov or
  - Call 1-866-434-1083 M-F, 8 am-5 pm

Resources and Contacts

California NPS Program:
http://www.waterboards.ca.gov/water_issues/programs/nps/

California CWA 319 Grant Program:
http://www.waterboards.ca.gov/water_issues/programs/nps/grant_program.shtml

California - USEPA Measure W Watershed Priorities:
http://www.epa.gov/region09/water/watershed/index.html

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