



Oklahoma Nonpoint Source Management Plan Update: 2013

Oklahoma Conservation Commission

December 18, 2012



Reasons to Update the Plan

- Changes to 319 Guidance
- Changes to 319 Funding
- Time Elapsed since the last update

Timeline for Plan Update

- Current Goal - **September 2013 !!!**

November 8, 2012 Public Review Draft

Nonpoint Source Program and Grants Guidelines for States and Territories

Date: TBD

Addresses: Persons requesting additional information should contact Nancy Yoshikawa at (202) 566-3012; yoshikawa_nancy@epa.gov; or U.S. Environmental Protection Agency (4503T), 1200 Pennsylvania Avenue, NW, Washington, DC 20460. The complete text of today's guidelines is also available at EPA's Nonpoint Source website: www.epa.gov/nps/319.

Preface

The U.S. Environmental Protection Agency (EPA) is issuing revised guidelines to states, territories, and the District of Columbia (hereinafter referred to as "states") for the award of § 319 grants under the Clean Water Act for the implementation of nonpoint source (NPS) management programs. When finalized, these guidelines are binding requirements that apply to grants made with funds appropriated by Congress under § 319 of the Clean Water Act. States and EPA regions will begin to implement these guidelines in fiscal year 2013 and will fully implement these guidelines in fiscal year 2014 and in subsequent years. The new guidelines replace the *Nonpoint Source Program and Grants Guidelines for States and Territories* that have been in effect since the fiscal year 2004 grant cycle (hereinafter referred to as the "2004 guidelines"). These revised guidelines provide updated program direction, an increased emphasis on watershed project implementation in watersheds with impaired¹ waters, and increased accountability measures. These guidelines also emphasize the importance of states updating their nonpoint source management programs to ensure that § 319 funds are targeted to highest priority activities. These guidelines are not directed to tribal NPS management programs. Given the differing statutory provisions and approaches applicable to tribal programs, EPA implements separate NPS guidelines for tribes.

The development of these guidelines was informed by an EPA/state workgroup process that included management and staff from EPA regions and several states. A three day national NPS meeting, "Shaping the Future of the Clean Water Act § 319 Program" was held in June 2012, and included extensive discussion on issues related to these guidelines. This meeting was attended by representatives from the NPS control programs in 36 states and from all 10 EPA regions. In July through September of 2012, EPA held conference calls with states to discuss the changes to the § 319 program. This resulted in a draft of the revised guidelines being circulated in October 2012 for review by stakeholders and all states. EPA will finalize these guidelines after considering all of the comments received.

In fiscal year 2003, the annual appropriation for the § 319 program was \$238.5 million. The 2004 guidelines included a \$100 million "incremental" set-aside to be used mostly for

¹ For the purposes of these guidelines, impaired waters are those waters not meeting water quality standards established under § 303 of the Clean Water Act, including numeric criteria, narrative criteria, waterbody uses, and antidegradation requirements.

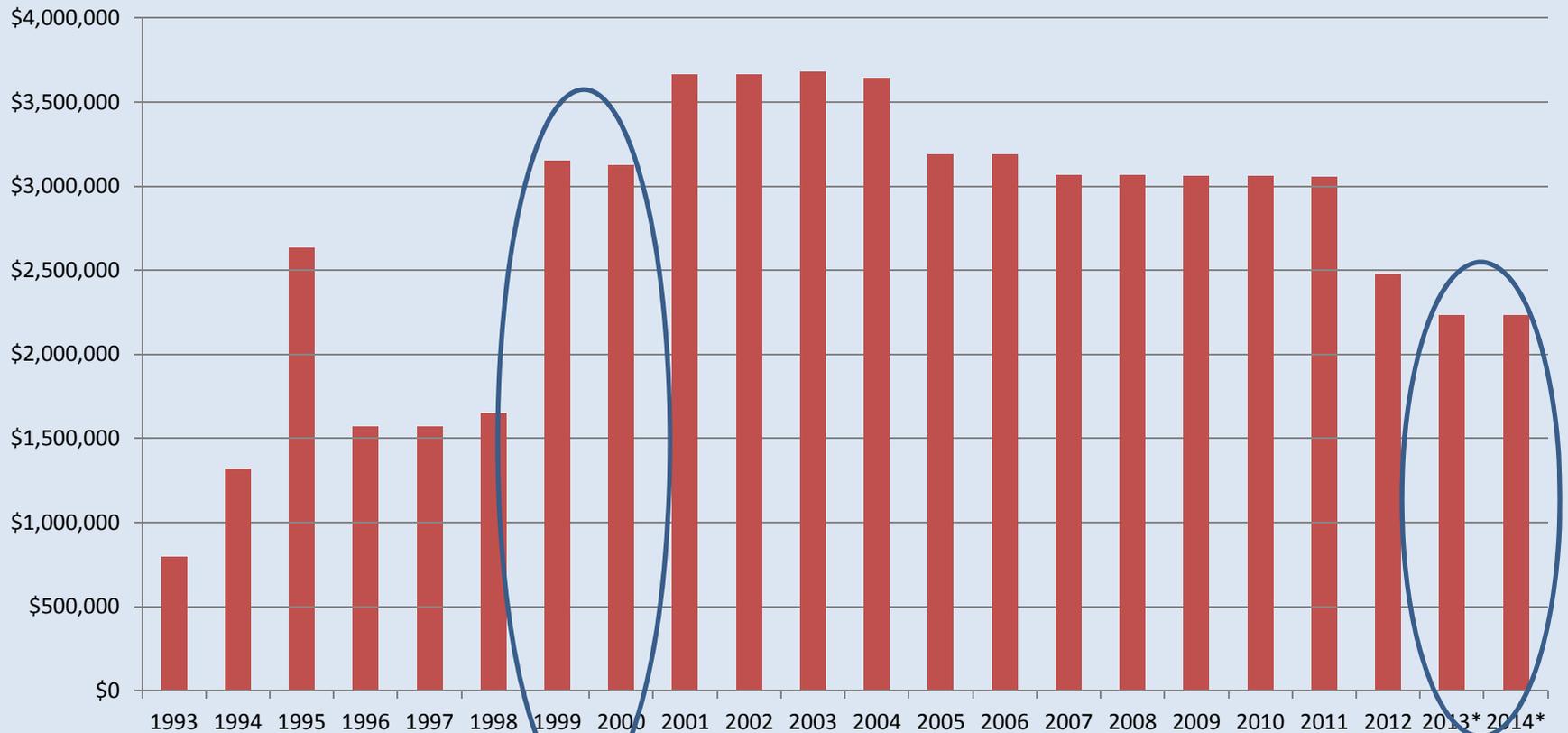
New 319 Guidance

- 2012 New Guidance for 319 Program and for NPS Management Plans
- 319 Guidance
 - <http://water.epa.gov/polwaste/nps/upload/final-draft-public-comment-319-guidelines2.pdf>
- Management Plan Guidance
 - http://water.epa.gov/polwaste/nps/upload/key_components_2012.pdf



Changes to Annual 319 Funding

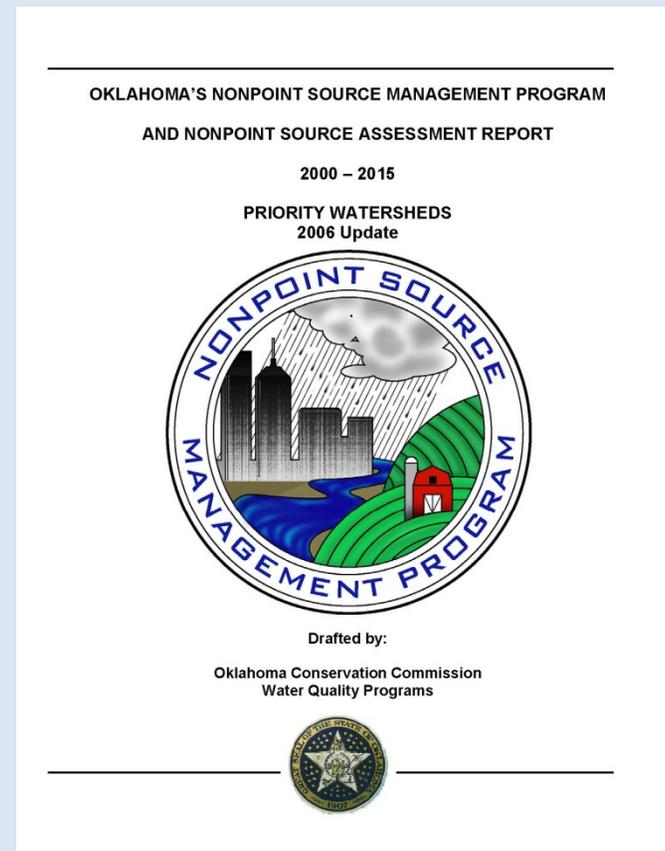
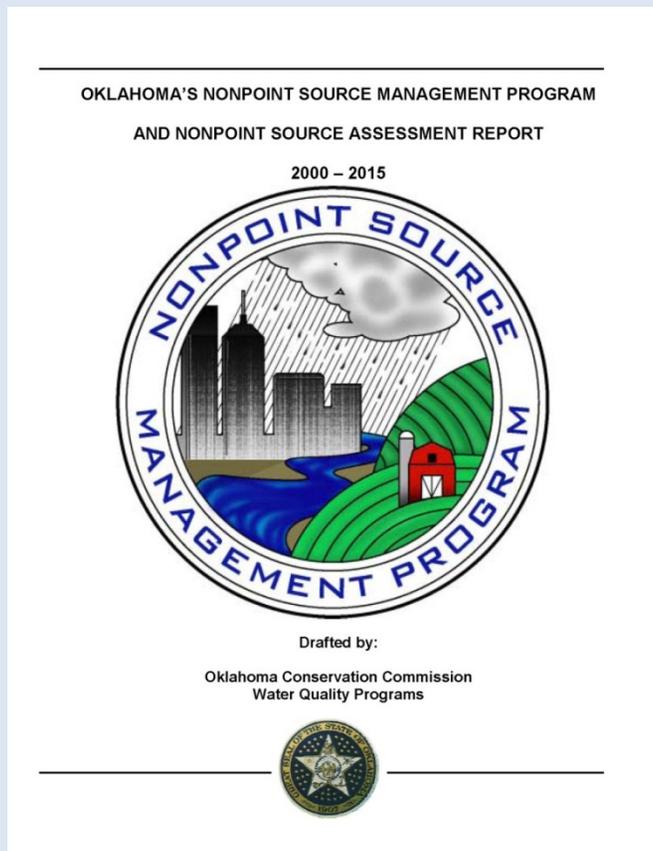
Oklahoma 319 Funding



- Decline of \$1.4 million since 2001. 28% reduction since 2011 if additional proposed cuts are implemented (fiscal cliff?).

Current NPS Management Plan

- Full overhaul in 2000
- Update in 2006 focused on prioritization



Mission and Vision Statements of the NPS Management Plan

- **Mission-** Responsible Care for Oklahoma's Natural Resources
- **Vision-** *Conserve and Improve Water Resources through Assessment, Planning, Education, and Implementation*





Long-term Goal of the NPS Management Plan



- By 2015, the State of Oklahoma's NPS Program will establish a State Approved Watershed Restoration Action Strategy, TMDL or implementation plan (unless the original basis for listing a waterbody is no longer valid) to restore and maintain beneficial uses in all watersheds identified as impacted by NPS pollution in the 1998 303(d) List. The 1998 303(d) List identifies 8,156 miles of stream and 291,293 acres of lake area as impaired or fully supporting but threatened. ***By 2020, the State will attain and maintain beneficial uses in waterbodies listed on the 303(d) list as threatened or impaired by NPS pollution.***

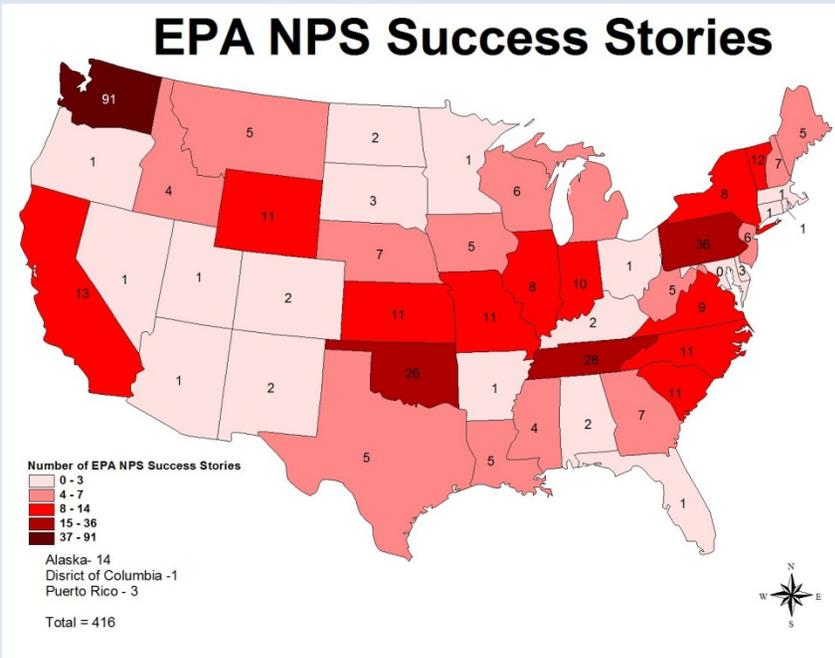
More with Less??? Or Use Every Dollar to Its Fullest

- Review and revision about 319, including EPA and GAO studies and funding cuts, have been focused on program effectiveness.
- Program is effective if it can document three things:
 - waterbody full or partial removal from the 303(d) list-NPS Success Stories(primary measure for the program)
 - Load reductions of nitrogen, phosphorus, and sediment
 - That it spends money as fast as possible

The screenshot shows the EPA website page for "Section 319 Nonpoint Source Success Stories". The page features a navigation menu on the left with categories like "Water Home", "Drinking Water", "Education & Training", "Grants & Funding", "Laws & Regulations", "Our Waters", "Pollution Prevention & Control", "Applications & Databases", "Low Impact Development", "Impaired Waters & TMDLs", "Permitting (NPDES)", "Polluted Runoff", "Sediments", "Source Water Protection", "Stormwater", "Vessel Discharge", "Wastewater Programs", "Watershed Management", "Resources & Performance", "Science & Technology", "Water Infrastructure", and "What You Can Do". The main content area includes a "Water: Nonpoint Source Success Stories" header, a "Section 319 Nonpoint Source Success Stories" title, and a map of the United States with state-level success story counts. A "Partially or Fully Restored Waterbodies" box shows a count of 417. Below the map, there are sections for "First-time visitors" and "Featured Stories" with lists of success stories by state, including Alabama, Alaska, Minnesota, Mississippi, Puerto Rico, Rhode Island, and South Carolina.

Oklahoma Program Does Well on All 3

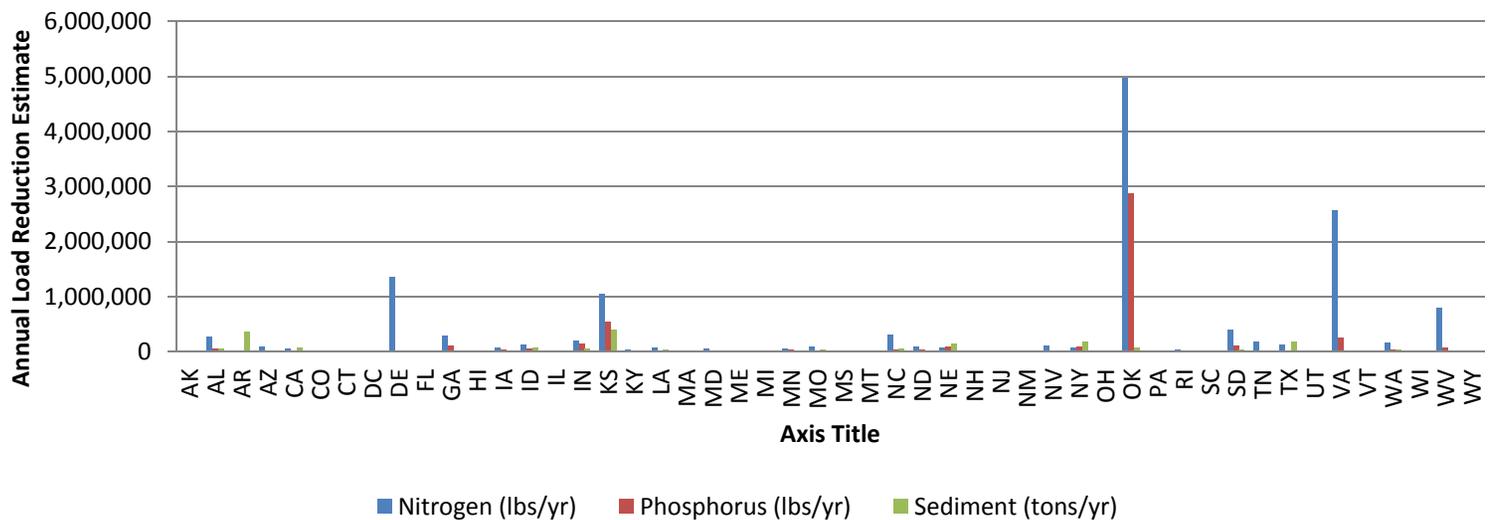
1.



2. Between Nov 2011 and Nov. 2012, OCC NPS program drew down approx. \$4,040,000 or 1.6X its annual 2012 allocation

3.

FY 11 CWA 319 Program Load Reductions



But We Can Do Better

- Need Additional NPS Success Stories
- Need Additional NPS Load Reductions
- Need More Money for the program...

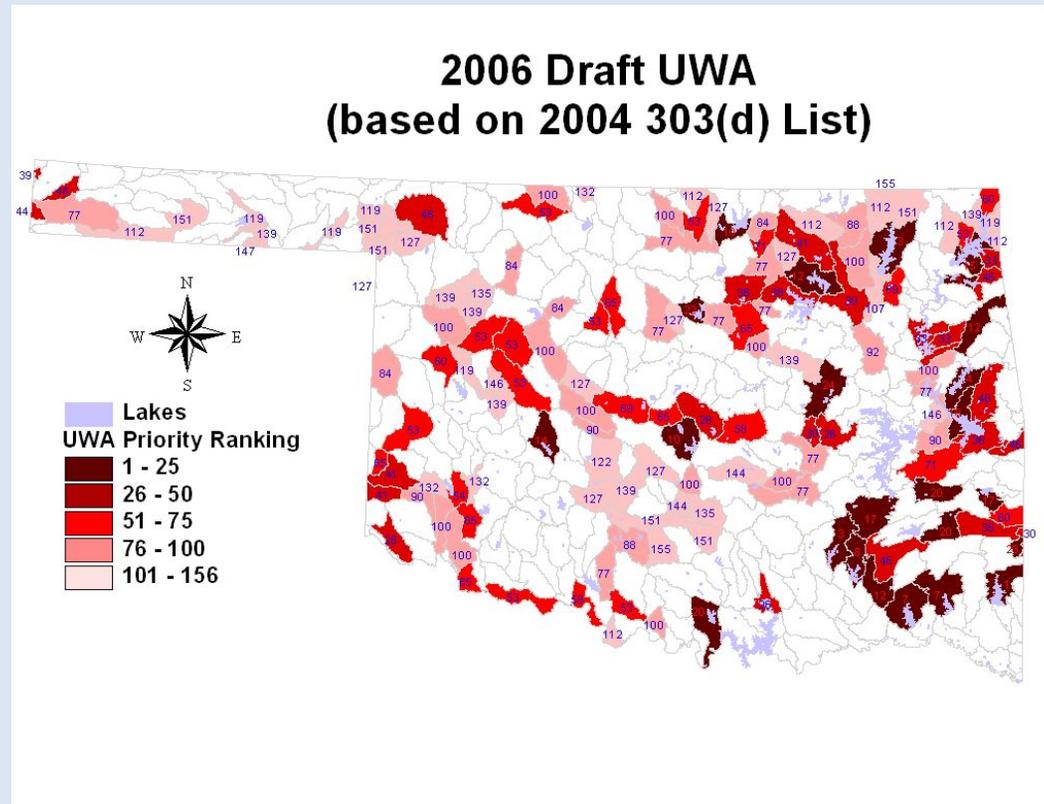


How Do We Make This Happen?

- Begins with updating the management plan
- Continues with Revising work scope to maximize success- **Increasing Focus**

Revision of the NPSMP Begins with Updating the Prioritization of NPS Watersheds

- Need to focus on smaller watersheds- HUC 12 instead of HUC 11
- Need to focus in watersheds where success is likely (consider cause codes, etc.)
- Need to focus in watersheds where information about sources is well documented.



Current NPS Watershed Prioritization Ranking Criteria

RANKING CRITERIA		POINTS	15	10	5	3	0
% Waterbodies on 303d list in HUC			≥85%	<85 to 65%	<65 to 45%	<45 to 25%	≥25%
Pollutant severity score of HUC			> 75% quartile	Median to 75% quartile	25%quartile to median	< 25% quartile	no impairments
Federal T & E species in HUC ¹			≥3	2	1		
Highest designated protected waterbody			Scenic R./ORW	HQS	SWS		
Est. decrease in wetlands, 1982 to 2002			gain or <1%	1 to 5%	>5 to 10%	>10% to 20%	>20%
USF&WS priority wetland present					YES		NO
App. B, % of HUC					upper 50th percentile	lower 50th percentile	no appendix B areas
NRCS Local emphasis areas					YES		NO
		POINTS	7.5	5	2.5	1.5	
# of PWS intakes in HUC			≥4	3	2	1	0
# of PWS customers served in HUC			≥100,000	999,999 - 10,000	9,999 - 1,000	999 - 1	0

1- includes habitat for Federally threatened or endangered aquatic and semi-aquatic organisms only.

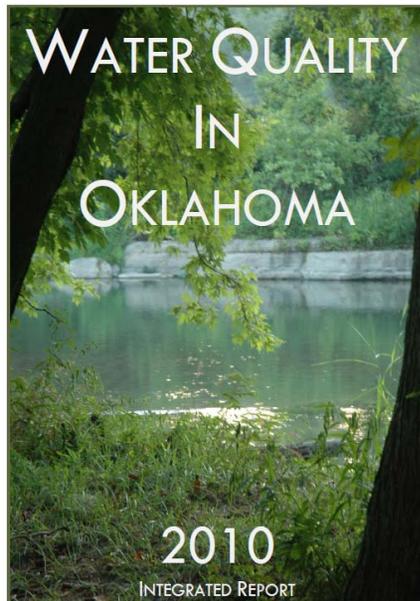
Pollutant Severity Score

- NPS WG ranked pollutants based on their relative level of concern
- However, prioritization doesn't necessarily match NPS program goals to reduce N, P and sediment or to achieve WQ success

Pollutant	Group Ave. Score
Toxics/Bioassay	73
Pesticides	58
Low D.O.	55
Biocriteria	49
Pathogens	43
Metals	42
Phosphorus	37
Ammonia	32
Nitrate	26
Turbidity	19
Oil and grease	15
Cl/TDS/SO ₄	13
Taste and Odor	13
pH	12

Which Integrated Report Should We Use as the Basis for Prioritization?

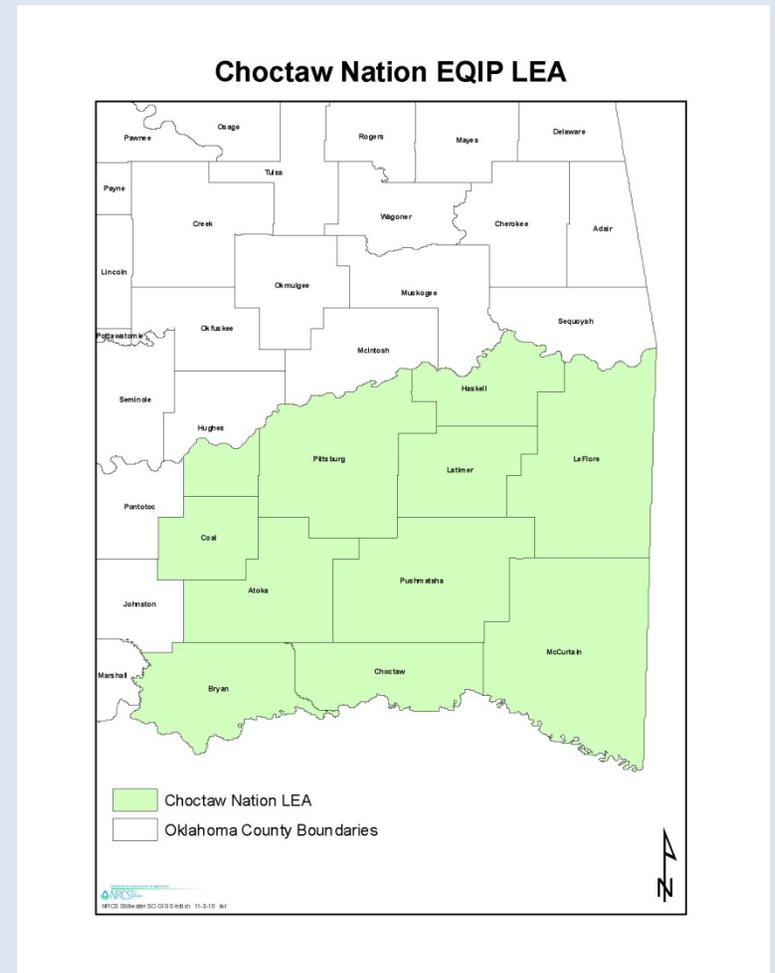
- 2010???
 - Approved
 - Outdated sooner
- 2012???
 - Not yet submitted
 - Outdated later



PREPARED PURSUANT TO SECTION 303(e) AND SECTION 305(a) OF THE CLEAN WATER ACT
BY
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

NRCS Local Emphasis Areas (LEA's)

- LEA's allow for extra EQIP dollars to be focused on a specific resource concern. Several success stories coincide with LEA's.
- Should watersheds where NRCS, USFWS, and other programs put additional dollars toward conservation receive higher priority?



RANKING CRITERIA		POINTS	15	10	5	3	0
NRCS Local emphasis areas					YES		NO

Calculation of % WB on 303(d) List

RANKING CRITERIA		POINTS	15	10	5	3	0
% Waterbodies on 303d list in HUC			≥85%	<85 to 65%	<65 to 45%	<45 to 25%	≥25%

- Metric should likely be changed to % waterbody impaired...
- Calculation equates lake acres to stream miles; however, is still heavily weighted to watersheds with reservoirs. How can we adjust the equation to give impaired reservoirs appropriate weight, but still select watersheds where measurable success is likely and timely?
 - 1 square meter lake = 0.028618 meters stream length

Should Additional Criteria be Adjusted?

- Federal T&E species in HUC
 - should we include state T&E aquatic species?
 - Is there another parameter that should replace T&E species
 - Should point values change?

RANKING CRITERIA	POINTS	15	10	5	3	0
Federal T & E species in HUC ¹		≥3	2	1		



Photos courtesy of OWDC website

Should Additional Criteria be Adjusted?

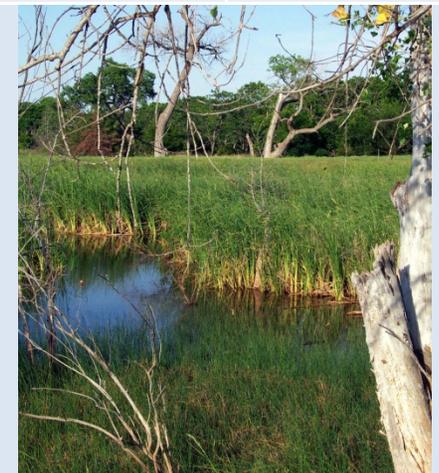
- Highest Designated Protected Waterbody
 - Should this criteria remain?
 - Should its values be adjusted?
 - Should other categories be considered

RANKING CRITERIA		POINTS	15	10	5	3	0
Highest designated protected waterbody			Scenic R./ORW	HQS	SWS		

Should Additional Criteria be Adjusted?

- Estimated Decrease in Wetlands (1982-2002)
- USFWS Priority Wetland Present
 - Is there a better measure for wetlands?
 - What is the best source of data to track this?

RANKING CRITERIA		POINTS	15	10	5	3	0
Est. decrease in wetlands, 1982 to 2002			gain or <1%	1 to 5%	>5 to 10%	>10% to 20%	>20%
USF&WS priority wetland present					YES		NO



Should Additional Criteria be Adjusted?

- % of HUC waters in Appendix B (recreational and/or ecological significance- generally waters near National wildlife areas, National forests, State parks and related areas)
 - Is this the best measure of ecological significance?
 - Should the points be adjusted?

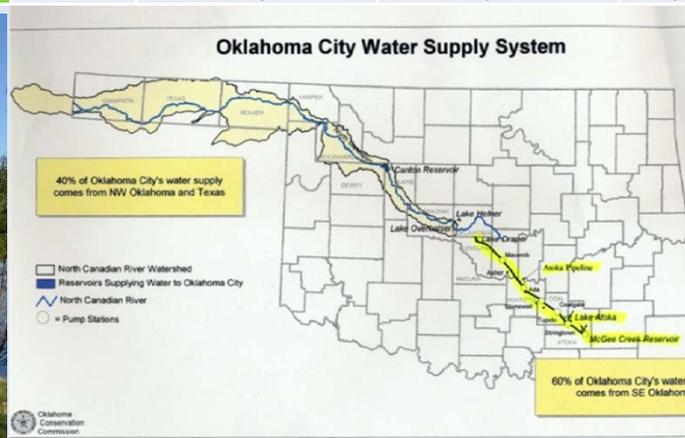
RANKING CRITERIA		POINTS	15	10	5	3	0
App. B, % of HUC					upper 50th percentile	lower 50th percentile	no appendix B areas



Should Additional Criteria be Adjusted?

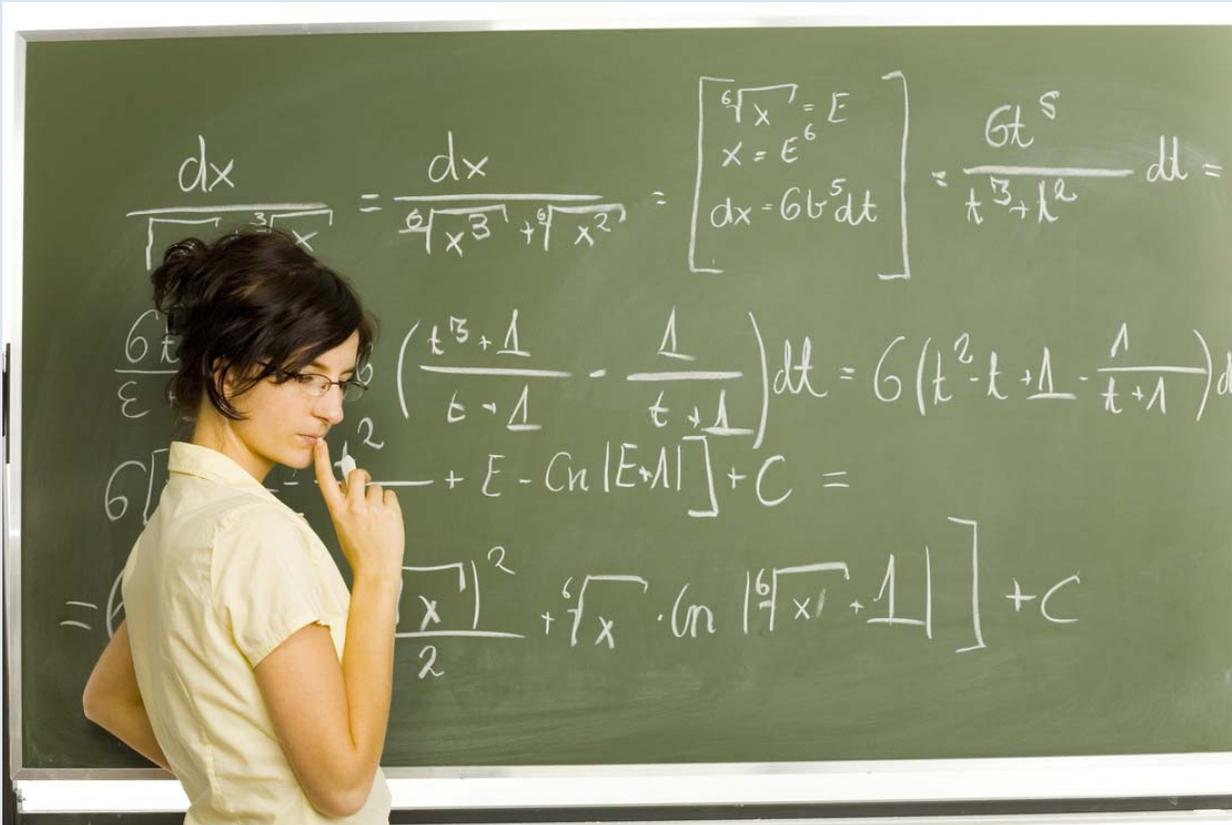
- # of PWS intakes in HUC
- # of PWS customers in HUC
 - Are these the correct criteria and should we adjust the point values awarded to these?
 - Should water supplies with sourcewater protection plans be included in the ranking?

RANKING CRITERIA	POINTS	7.5	5	2.5	1.5	0
# of PWS intakes in HUC		≥4	3	2	1	0
# of PWS customers served in HUC		≥100,000	999,999 - 10,000	9,999 - 1,000	999 - 1	0



Should Additional Criteria be Added?

- Other criteria?



Next Steps

- Another webinar in late January
 - Any dates to avoid?
 - Should we have a face to face meeting ?
- Likely Topics of Discussion
 - Further discussion of prioritization
 - Changes in the 319 Guidance
 - Review of existing Management Plan
 - Updating of NPS Management Plan Goals
- Questions/Comments?
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