

The Office of Management and Budget, and EPA worked with states to develop “A National Evaluation of the Clean Water Act Section 319 Program,” which EPA submitted to OMB on November 14, 2011 (www.epa.gov/nps/pdf/319evaluation.pdf). As the Evaluation was developed, a group of State and EPA Water Division Directors (WDDs) convened to consider potential 319 program improvements, and then discussed these proposals with all states via two conference calls in August 2011. Their recommendations for greater program results and accountability are included in Appendix C of the Evaluation. One of these recommendations is that more consistent use of satisfactory progress determinations should be used to assess state progress in implementing the 319 program. The WDDs recommended development of an interim guidance for conducting satisfactory progress determinations in FFY12 and a more comprehensive guidance to be used in FFY13 and beyond.

Satisfactory progress determinations are set forth in section 319(h)(8), which states that the EPA Regional Administrator may not award section 319 grant funds to a State unless s/he determines that the State has made satisfactory progress during the previous fiscal year in meeting the schedule of milestones specified in the State’s Nonpoint Source Plan (NPS).

Below is the checklist providing guidance to be used by the EPA Regions in determining progress under the state NPS management programs (to be applicable prior to FFY12 319 funding). In Region 10 this checklist and process will supplement the annual NPS program reviews and satisfactory progress determination letters that EPA completes prior to award of yearly 319 funds.

Interim Checklist for Determining Progress of State NPS Management Programs

Meeting Statutory and Regulatory Requirements and Demonstrating Water Quality Results

1. Section 319(h)(8) requires EPA to determine if a state has made satisfactory progress in meeting a schedule of milestones to implement its NPS management program.
 - a) Has the state updated its NPS Management Program with up-to-date trackable performance milestones and/or has the state established up-to-date trackable performance milestones for reducing NPS pollution as a result of an ongoing continuous planning process?
 - b) In what document(s) is this schedule located? States that include 319 grants in PPGs should also consider any Priorities and Commitments associated with the State’s NPS management program.
 - c) Has the State reported its progress in meeting the schedule of milestones? In what document is this progress reported (annual report, other—specify)?
 - d) Does this report required by section 319(h)(11) cover progress made over the previous fiscal year (i.e., not two or more years ago)?
2. Section 319(h)(11) requires each State to report on an annual basis reductions in NPS pollutant loading and improvements in water quality.
 - a) Considering projects and activities from all open grants as applicable, has the State reported improvements in water quality resulting from implementation of its NPS management program and/or previous years’ 319(h) grant work plans? Using best professional judgment, did the State report on incremental water quality improvements for NPS-impaired waterbodies or watersheds (e.g., improvements that have not yet led to attainment of water quality standards)?

- b) Did the State meet its annual commitment/target/goal (if any) under WQ-10?
- c) If applicable, did the State meet its annual commitment/target/goal under WQ-SP12 for NPS-impaired watersheds?
- d) To the extent that information is available, did the State achieve and report load reductions for pollutants beyond sediment and nutrients (e.g., bacteria) pursuant to implementation of TMDLs and watershed plans? [Per 319(h)(11), this applies to the state's NPS management program, not just the 319-funded portion.] Briefly explain.

GRTS Reporting

For this section, it is sufficient to report on the results of previously conducted post-award grants monitoring. No additional monitoring may be needed.

1. To ensure that the State meets the reporting requirements in section 319(h)(11), did the State enter all mandated data elements into GRTS (including geolocational tags where available) for all projects in the previous 319 grant award on time? Please also specify what length of time the Region allows for this. [The national requirement is "within 90 days of grant award"; the Regional requirement may be shorter.]
2. For all active projects that have nonpoint source reduction goals for nutrients or sediment, is the State reporting load reductions (WQ-9) into GRTS after the first year of project implementation? Did the State report them by the February 15 deadline for the previous fiscal year? (i.e., Were load reductions reported for all projects implementing BMPs in FY2010 entered by Feb 15, 2011?)

Implementing Priority Watershed-Based Plans

1. Is the State implementing nine-element watershed-based plans with at least 80% of its incremental funds in accordance with EPA's guidelines for CWA 319(h) grants? If this was determined during the Region's reviews of the State's active grant workplans, it is sufficient to document the results of these previous findings.
2. Are plans being implemented for the highest priority NPS-impaired watersheds consistent with EPA's guidelines for CWA 319(h) grants (e.g., those with completed TMDLs, those where other state, federal or local agencies are also contributing funding) or in special circumstances for protection of high priority watersheds that are not yet impaired?

Ensuring Fiscal Accountability

For this section, it is sufficient to briefly report on the results of previously conducted grants management and oversight required of all project officers.

1. *Tracking and Reporting.* For all active 319(h) grants using existing post-award monitoring or best professional judgment:
 - a) Does the State have adequate tracking and fiscal reporting practices in place for financial accountability?
 - b) Is State's RFP process efficient and timely for selecting and funding projects within work plan timeframe?
 - c) Did the State obligate all 319(h) funds within one year per current 319 grant guidelines?

2. *Rate of Expenditures.* Examine a summary of expenditures for all open 319 grant awards listing the following: State; grant #; FY; project period; grant award amount; balance (unliquidated obligation); percent unliquidated obligation. Relying on best professional judgment or empirical evidence as may be available, do the figures in the Rate of Expenditures chart substantially match the expected drawdown rates from the associated grant work plan schedules? If not, briefly explain.

Considering PPG Priorities and Commitments

1. If a State puts part or all of its 319 grant funding in a PPG, using best professional judgment, has the state adequately documented progress consistent with its Priorities and Commitments?

Identifying and Addressing Performance Issues/Progress Concerns

- 1) Briefly describe any significant outstanding 319 grant performance issues or progress concerns, including if any corrective actions are underway.