

Listening Sessions for Communities Interested in Clean Water Act §319 Funding for Local Water Quality - DRAFT Combined Notes

May 17, 18, 24, and 25, 2022

EPA hosted four listening sessions intended for anyone who has been a subgrantee or is considering applying for a nonpoint source Clean Water Act Section 319 Grant. Sessions were held May 18 – May 25, 2022. The purpose of these listening sessions was to:

1. Learn from subgrantees about their experience with 319 grant applications and identify barriers during the application process and award; and
2. Learn from communities that are eligible but have not applied for a 319 grant.

These notes provide summary of the four listening sessions. A total of 123 participants attended with 40 attendees each during the May 7th and 18th sessions; 17 attendees during the May 24th session; and 26 attendees during the May 25th session. Grantees were invited to provide responses to five discussion questions via Jamboard (a virtual whiteboard that allows participants to provide comments anonymously), verbal feedback and/or via the Zoom meeting room chat. Notes are organized by discussion question and summarized below¹.

Legend

Check marks (✓) are included to capture the frequency of topics (Jamboard and verbal commentary) across listening sessions.

Discussion Questions and Responses:

What are the main challenges you and your community face with NPS pollution and its impacts on human health?

- Increase in impervious surfaces and development leading to increased flows/velocities to streams impacting aquatic ecologies and properties flooding ✓✓
- We get a lot of rain and climate change is causing our rain events to be more intense ✓ which leads to more polluted runoff and more combined sewer overflow
- Stream bank erosion/bank destabilization ✓✓:
 - some from development flashy flows✓
 - catastrophic fires
 - flooding logjams/culverts clogged✓
 - hydromodification
- Excess nutrients causing algae blooms ✓✓
- Nitrates in drinking water
- Agricultural runoff (sediment and nutrients) impacts on surface waters, habitat, and drinking water sources✓

¹ For session specific notes please contact Cyd Curtis at curtis.cynthia@epa.gov

- Water ways unsafe for body contact and fishing recreation
- Failing septic tanks
- Pathogen pollution ✓✓
 - failing septic tanks
 - leading to shellfish bed closures
 - high *E. coli* in urban water systems
- Metal loading in water due to mining activity and minerals in geology
- Chloride, heavy metals, trash, heat, etc.
- Geographic Specific Responses:
 - New Hampshire: there are 900 Lakes and ponds. The legacy effect of deforestation [was that the] landscape was turned into pastures resulting in sediment and nutrient pollution. Internal phosphorous loading is causing beach closures due to cyanobacteria and health risks. Challenge is managing both legacy loads in the ponds as well as external inputs simultaneously.
 - Delaware: Agriculture and poultry is a primary contributor. Additionally housing development and deforestation are another challenge we are working through.
 - Coastal Georgia: decline of fisheries. One community has historically been a fisherman community. They are speaking up about the decline and impact on income. It's hard to identify the sources. Where do we start and approach the problem? How do we get the state enforcement agencies to address the issues?
 - Salish Sea: Storm water pollution [contamination] the is one of the reasons our salmon and orcas are struggling to survive.
 - Western Washington: Stream temperatures significantly impact salmon populations

Question 2: Have you ever applied for an NPS grant? If so, please share your experience applying for and, if applicable, managing a NPS grant.

Application Level of Effort:

- Applications are technical and have lots of requirements - we have had amazing support from state techs that "trained" us in best practices ✓
- Our experience has been great – once [we get] over learning curve.
- Adaptive management is always key. The projects always change. ✓
- There are a number of repetitive requirements. Not sure if that is between 319 and the state, but it would be nice to streamline. For example, both an annual summary and an annual report. You can cut and paste it, but you still have to enter things twice. Nothing overly onerous but you feel like you did it already.
- In my many years of applying for 319 grants, the level of effort in putting together a competitive grant can take 60-75 hours that can be big investment of staff time and money for a small org. There often isn't enough money or time to access competitive grants. ✓✓
- We are experienced in applications and management of grants, so it has been a fine process. I can see that for groups new to federal grants, it could be almost overwhelming. Applications are long and detailed. On one hand it is a lot of money, so it is understandable that there is a lot of detail needed, but all together, we probably spend 40 hours on the application (writing, review,

consultation). The reporting is also highly detailed – and for new groups this could be difficult to prepare.

- I've assisted in small orgs in applying and found it helpful to refer to existing applications (GRTS) to use as a reference. No need to reinvent the wheel, and this helps reduce initial volunteer time to apply. We're all trying to do similar work, so I think it's good to share resources and remove barriers.

Prioritized Water Bodies:

- For 319 grants, we can only choose from a list of impaired waters/prioritized watersheds. ✓✓
This is keeping us from being able to apply for grants in waterways that are DACs.
 - Some of the urban communities have causes for concern but no formal impairments or [they] are not monitored. If we did enough monitoring, I'm sure we would see that they are impaired for some emerging contaminants.
 - We can assume based on observation that some areas are impaired – [for something] like trash.

Watershed Plans:

- Watershed plan was completed 10+ years ago which does give clear advantage. [We had a] positive experience.
- Application process was easy, didn't have any issues. The state asked applicant to set up a watershed committee with watershed experts and faculty, stakeholders. County SWCD were really great to have on the team because they have an inventory of the BMPs that are already in the watersheds; we wanted to use something that was already implemented as the demo [and this] helped to conserve costs for demo project. There was some data from the demo that the SWCD was missing, so this group is trying to fill in some of the data gaps from monitoring and modeling (estimating pollutant reductions). The state helped to answer questions [in the process].

Post-Award Experience:

- In the previous round of funding, we wrote a grant to be broadly encompassing [i.e. it] covered a lot of areas and stakeholders. There was also staff turnover adding the challenge of training on a complex grant. When we got the funding, we wished that there was a chance to narrow down the work. It ended up being too many areas of work and it ended up being a hard grant to manage. It was rigid in respect to where and which funds could be spent. Many details seem great until you're the one in the community implementing and keeping track. But at the same time, we see that as part of the way we wrote the grant in the first place.
 - Having a conversation after we got the grant to think about how to narrow the scope after we received it would've been helpful.
 - Going forward, we are trying to write more general grants.
- Our current budget was developed in 2019 and we're having difficulty making changes to account for increasing costs, COVID impacts, etc. Would like the opportunity to:
 - have more \$ added on grant. These grants are so administratively burdensome.
 - modify project period timelines, where possible.
have more flexibility from the state in developing project budget.
- Applied for 6th 319 grant. State techs have been supportive by providing feedback on reports, processes, etc. We have a very good system for calculating and reporting match to the state. [!]

work at university, so have accountants that help with the financial side of grants administration, but I imagine this would be a challenge for other grantees. We do \$ and in-kind match. A lot of in-kind that goes untracked. We do our best to track in-kind generated by events we host. (example spreadsheet shared in chat) At the University, we are restricted in what we can count as match because of internal audit requirements. If we accumulate >40 percent match during a project period, we bank up additional match for time being. This requires multiple tracking systems to track our match hours.

Question 3: What part of the grant process presents challenges to or deters participants from engaging in the NPS grant program?

Administration Level of Effort:

- There are many administrative requirements. ✓
- The amount of funding does not allow for an FTE so NPS work will be an additional duty.
- The RFP document is around 15 pages, so it can appear overwhelming to read and determine what you can apply for

Match Challenge and Some State Responses:

- Matching funds are an issue for smaller watershed groups with small memberships. ✓✓✓✓✓✓✓✓
- Nevada: The recently re-authorized Conserve Nevada Grant Program [and] reduced its match requirement significantly (from 50 percent to 10 percent) to encourage eligible applicants to submit proposals.
- In Michigan, our legislature has provided state funding put together for a watershed funding grant (\$40,000) only available to Watershed Councils that requires no match. This is highly competitive, especially [for] smaller groups who don't have backing of other agencies like The Nature Conservancy. Reducing match requirements would be helpful.
- Iowa: They offer planning grants to provide assistance to local groups + technical assistance to same groups for watershed plans. One grant [offered is] specific to develop 9 element plans. Also funding for comprehensive watershed plans for larger areas.

Building Awareness and Trust:

- When working with Ag landowners, it can take time. We have great watershed plans [and] on the ground coordinators. Participants might be reluctant to engage and concerned implications of accepting federal funds on decision making. A benefit of voluntary is we can say we are not regulatory but also a hurdle because we engage by saying: "you don't have to do it but we would love you to do it". ✓
- Good contractors get filled up early on. Pricing goes up as project list fills. You know money is obligated, but [you] don't know when it comes in. You can really lose good relationships when money does not come in on time.
- It is important to include education in high schools that emphasizes water quality issues and the role of the individual.
- Just worked on 1st alternative plan for nitrogen reduction. Partners reluctant to draw attention to a plan about nitrate reduction because it would seem like adding an impairment.

- In the last round of funding from state agency, we were told we were ineligible because we were not directly implementing a discharge permit requirement. We were concerned because we were locked out [of] a great funding source for education and outreach. Our group targets non-native English speakers. Not securing this funding limited E&O for these communities. We would apply again because NPS is still an issue.

Budget:

- Moving toward inclusion will also require larger budgets. Especially if there is intent to properly compensate people for their time on projects. Especially if they are showing up to share thoughts and insights
- Challenging to predict costs and needs when application is submitted one year prior to work beginning on a 3–4-year project
- Would like more flexibility from states for longer grant terms and adding funds into the budget when costs unexpectedly increase for the same work promised 3 years ago.

Timing and Funding Availability:

- State has to go through Governor and Council approvals for every Grant Agreement between state and our grantees. That process alone can add 6 months to any project before construction can begin.
- Stakeholder and community support needs to be built before applying (ideally) and getting funds.
- We often lose a field season due to the length of time to contract. ✓✓
 - Timing of the grants with short summers. Sometimes can't start to pull funding [until] late July or August. We do a lot of bull trout work. Grants in August are too late. If money can come out earlier (June) it would buy us another season of work.
 - Difficulty matching funding windows with watershed plan timelines

Technical Skills Needed and Watershed Based Plans:

- We've been a sub-contract on some other 319 grants; in those cases, the grantee didn't anticipate the engineering design requirements, costs, timeline, etc. This pre-project work can be surprising and overwhelming if you don't anticipate and plan for it.
 - Finding the funds for a watershed-based plan ✓✓✓
 - The 9-element watershed plan approval process can be intimidating,
 - The timing of the approval process may not be clear, so communities look to other sources. ✓
 - Moving deadlines; if the reliable funding source was always a certain month that would be helpful.
 - Engineered plans and approval process (timing, cost)
 - There are many technical/engineering aspects of developing a NPS watershed plan, as well as other people-centric (e.g., community-building, language interpretation, securing volunteers) aspects of planning. This requires a lot of capacity as an organization. ✓
 - The modeling component is a challenge; the monitoring component is another big challenge (for example having partners on board), the specificity of practices to remove a specific amount of pollutant. Linking BMP with pounds removal is very challenging technically. The definition required to determine what the impact on the watershed is a challenge.

Question 4: What changes would you suggest EPA's NPS program make to better support subgrantees and interested applicants?

Grant Related:

- Define EJ communities / create criteria and cut off points
- It often takes more than a year from grant award to contract. This can be a burden to a small group in a disadvantaged community. You lose participants to other more pressing issues of everyday life. Is there a way to shorten the timeline?
- There are many administrative requirements. The amount of funding does not allow for an FTE so NPS work will be an additional duty
- RFP document is around 15 pages, so it can appear overwhelming to read and determine what you can apply for.
- If you are looking for more inclusive approaches would be worth re-evaluating what you do most need to know about a project and how can your application reduce burden on applicants.

Match:

- Extending time period for counting match
 - CA allows greater flexibility for date of solicitation; EPA could consider something similar
- Facilitate coordination between state agencies/programs to have more complementary state grant programs that count toward match for disadvantaged communities/work in those areas. ✓✓
- Matching funds are an issue for smaller watershed groups with small memberships. ✓✓

Eligibility:

- It would be ideal if EPA could relax the funding limitation around MS4 communities to support more 319 work, as many of them have the bulk of NPS related impairments.
- Being able to be spend funds outside the list of impaired waters
- Where failing septic systems area big contributor to NPS, if 319 funds could open to those issues we could easily capture that. Most time those are the disadvantage communities that can't afford to update or upgrade their system.
- While 319 funds come from the Clean Water Act, seems there are really important connections to climate resilience activities. I think the more openly you can articulate these key overlaps, you will build greater value in the 319 grant program.
- Can Tribal funds be allocated for work outside the reservation? It would be helpful if EPA could expand funding to their usual and accustomed fishing areas².
- I think it would be helpful to expand "reservation waters" to the usual and accustomed fishing areas, rather than forcing Tribes to compete through the state funds.

Reporting:

- Great Lakes Research Initiative (GLRI) reporting is more streamlined than 319; it felt more like a summary package since most of the materials had already been reported before the end of the grant period.

² EPA representative responded in chat: this restriction wouldn't apply in cases where Tribes are applying for state 319 funding

- (State agency) Agree that 319 reporting is burdensome. We ask grantees to provide incremental reports throughout the project period, so that the final report is simply merging these together. ✓

Community Inclusion:

- Prioritize the use of section 319 to provide capacity building (including collecting water quality data) for underserved communities or those unable to compete for section 319
- To be more inclusive on community engagement, [it] would be great to be able to enable grantees to spend funds on stipends for community liaisons to serve in the project subcontracts with local grassroots organizations to attend meetings, and offer food at meetings and gatherings related to the project. Look at allowable expenses in Massachusetts' MVP program, which sets a great example in enabling good community engagement around climate resilience.
- Being invited to meetings as a subgrantee would be great! We have to rely on information passed down to us from state; we never seem to get information about meetings; but we are the ones on the ground doing the work.
- [In] an ideal world EPA would come into subgrantee communities and be able to provide education to decisionmakers/elected officials. As a person working in the community, I'd love to have some more backing in my efforts to get support.

Eligibility/Nutrient Reduction Strategies/watershed Planning:

- With regards to Gulf Hypoxia Task Force states, most states have nutrient reduction plans that they are moving forward with. They are not 9 element or TMDLs
 - How can a state utilize the 319 program in the context of that plan if they don't have either of those two things?³
 - In Iowa, it would be possible for any group that has a completed 9 element plan to apply for nutrient reduction strategies. As long as they are in a 9 element plan, they are 319 eligible. They can apply for nutrient strategies.
 - Plans usually have a timeline - the strategy does not have a timeline. It is not technically a plan bc it doesn't have an end point. The only end point is the percent reduction.
 - Another distinction between a watershed plan - which has a specific impairment (can be nutrients) but the reduction goals may be different than the statewide goal. When cleaning a watershed, it is not the same percent or pollutant as the statewide strategy

Technical Support:

- 'Watershed planning-lite.' Would like to see a less intensive watershed planning approach that allows local partners to get started, without requiring all components at once.
- Workshops throughout states to help build/provide technical capacity.
- Provide engineers and modeling experts to help develop plans approve and seal plans so that communities could bring the ideas; the place and the people and 319 could remove the barrier of the process ✓

Technical/cross Agency Support:

³ Clarification: we are talking about 2 pots of money. The 319 and the BIL to implement nutrient reduction strategies. The BIL funding does not have the same eligibility requirements as 319

- Could EPA facilitate increased cooperation with other federal agencies with implementation funds for areas with approved plans? I.e. USDA FEMA etc.

Question 5. After a “project” is complete, what are some ways your community maintains group engagement and sustains efforts to improve water quality. Please share both challenges and successes (for the group and for any particular conservation practice).

Challenges:

- Loss of technical staff at state level due to retirement, less support for communities
- EJ communities likely don't have as much funding creating challenge to maintain funding. ✓
- A plan is sort of one prospective approach based on the current landscape. It's a number of potential mini-grants. How that actually plays out is often far different based on opportunities. Need better ways to keep the plans current via quick re-prioritization. 10-year milestones are imaginary.
- When 319 property partners sell the property, it has been a challenge to make a new connections with the new owners to keep and love that project and maintain it well.

Engagement Approaches:

- Some nonprofits maintain engagement post-project by doing watershed-wide trash cleanups, annual septic system "socials" where they get guest speakers to talk about septic maintenance and innovative treatments, etc. Some volunteer groups also do BMP-palooza tours in their watersheds to visit installed BMPs to educate and to ensure they are being properly maintained. Many groups also participate in our volunteer lake and river monitoring programs to measure project success.
- We have an annual day of volunteer restoration based on water quality and habitat restoration projects. This has become a tradition and ethic in our community.
- We usually have field dates where we tour projects and talk about the components. These are for other landowners, stakeholders, and 319 grant managers
- Farmer-to-farmer groups that engage with each other encouraging farmers to engage with BMPs because it is the single best way to keep their soil and legacy nutrients on their farm instead of running into water bodies.
- If you can get stakeholders on the committee to transfer group over to the people and then follow up with experts quarterly. This provides an adaptive approach. ✓
- In MI, we have one very large watershed group that also manages the MS4 permits within their watershed for which they charge the permittee a fee. The watershed council has 1,400 volunteers and upwards of 20 elementary and secondary school lesson plans, a singing group that touts the benefits of rain gardens, tours of rain gardens, and so on!
- We work directly in the community; we hire youth teams and community members whose role is to be a knowledge person (they are paid). Having youth takes on a leadership role they become a steward.
- We have students each summer that revisit sites. There is no funding for maintenance of the site so volunteer engagement is the focus.
- We like to make signage for projects that shows what the project is to protect water quality; on the sign it says paid for by 319 funds

Virtual/social Media:

- St. Louis borders R5 and R7 (Missouri and Illinois) so having multiple webinars allows for both to get to hear what one another is doing and to determine common interests for projects both could be doing for the river. Local planning agency holds quarterly meetings/ webinars with community partners on NPS challenges and success.
- We are working on doing an entirely web-based plan via ArchHUB.
- Success building email base and FB site of residents that participated in the project has worked well. We send out periodic reminders to maintain their rain gardens.