



Nonpoint Source Subcommittee

September 25, 2011

Indianapolis, IN

Meeting Notes

Welcome

Justin Johnson, Deputy Commissioner, Vermont Department of Environmental Conservation

Richard Opper, Director, Montana Department of Environmental Quality

Speaker

Ellen Gilinsky, Senior Policy Advisor, U.S. EPA Office of Water

(View the detailed presentation at: <http://www.ecos.org/section/committees/water/meetings>)

- 319 has been under-sold at the national level
- Downward trend in funding continued this year
- OMB has been asking a lot of questions over the past year
- Office of Wetlands, Oceans and Watersheds convinced OMB to let the agency do a study of the 319 program, which is nearly complete
- The Government Accountability Office (GAO) is also conducting a study that is due in February 2012; GAO and OMB don't always agree

Key Findings

- State 319 programs need updating
- Base funds are critical for effective state NPS programs
- Incremental funds are getting results – 339 success stories now on EPA's website
- 20 states provide state funding beyond the required state match
- There is a satisfactory progress review provision in legislation that is not being used but could satisfy OMB; Region 3 has had success using it
- States still have challenges working with USDA

Key Draft Recommendations

- Use satisfactory progress and 319 NPS program plan updates to strengthen accountability
- Consider establishing regional reallocation and competition of unliquidated funds
- Remove concept of base and incremental funding

OMB

- EPA met with OMB just prior to the ECOS meeting
- OMB wants to measure TMDLs developed – which states see as useless because it doesn't do anything on the ground
- OMB will receive EPA's final report with the FY 13 budget submission
- EPA also would like to factor-in the results of the GAO NPS study (2012)

Questions and Comments

- VA – concern with EPA cutting funding to states in the middle of the fiscal year; is EPA really committed to this program in the budget?
- NH – what is the definition of unliquidated funds? It takes agencies years to get a match and draw down the funds
- VT – Especially when states receive the funds so late
- Gilinsky – there will be no rescission of funds but they'll have to be adjusted to go forward
- NH – yes but states need flexibility to reallocate/reprogram internally

- MT – “rescission” is a little scary. With funding going down, EPA has been talking-up leveraging of the SRF. But if the agency does that, it takes money away from point-source infrastructure (and jobs)
- The more you regulate point sources, the more nonpoint sources are created as businesses and homeowners move out to the country
- As EPA funding falls....so, too, should their expectations
- DE – The NPS plans are only part of how states meet the goals of the CWA. What are the expectations of ‘updating the plans’ It’s kind of hard when they’re 25 years old
- VT – discussed this on calls – states and EPA need to agree ahead of time what an updated plan will look like
Gilinsky – What should 319 plan updates focus on?
- HI – In economic environment, it is difficult for many to make a long-term commitment
- IA – Iowa is updating their plan now and have engaged 55 stakeholder groups to do it
- WI – Concerned with reporting requirements or progress reports
- OR – Don’t want to use 319 for TMDL development. Want to do point-nonpoint source trading instead. What kind of communication is going on between point and nonpoint source offices in EPA?
Gilinsky – Office of Water is very much in favor of trading; the new off-set guidance is coming out this year; using in Chesapeake Bay, Ohio Basin, and working with USDA on incentives
- OK – Is trading executed under enforceable agreements? Because if it fails, the state agency would be on the hook; you need an enforcement agreement
OR – the state captures it in the point source permit
- MT – Montana wants to urge its cities to hook up old septic and lagoons to municipal wastewater treatment plants. When cities successfully do this, it increases their load. It would be good if cities could have an incentive (off-set) for the resulting net reduction of nitrogen
MD – Maryland provides offsets
- Gilinsky – USDA is looking at BMP efficiencies
- VT – Is USDA voicing support for the 319 program to OMB
Gilinsky – Yes, USDA is supporting 319 with OMB

Upcoming Conference Call Schedule

*All calls are on **Tuesdays** from **2:00 – 3:00 pm Eastern.***

December 13

January 24

February 28

Next Subcommittee Meeting

March 19, 2012 - March 21, 2012

[2012 ECOS Spring Meeting](#)

Austin, TX