

Act in 1989–90, have developed and matured to meet this challenge. During the past five years, each State has upgraded its nonpoint source management program to address nine key elements that had been agreed to by the States and EPA in the May 1996 guidance.

In the intervening years since 1996, States have enhanced their technical tools and capabilities, strengthened and increased their partnerships, nurtured a vast network of community-based action on a watershed basis, and, in many cases, developed stronger financial bases and legal support for their upgraded programs. As a result, the nation is experiencing increasingly positive results in terms of both on-the-ground action and actual water quality improvements. Examples of these improvements are summarized in *Section 319 Success Stories, Volume III: The Successful Implementation of the Clean Water Act's Section 319 Nonpoint Source Pollution Program* (EPA 841-S-01-001, February 2002), available on the Internet at <http://www.epa.gov/owow/nps/Section319III>. Most of these successes are the direct result of State nonpoint source agencies' cooperation with other governmental agencies, private sector interests, and citizen groups at the State and watershed level.

Congress has also recognized the need for greater and more effective action to expedite our national efforts to control nonpoint source pollution and to focus our attention on sources of nonpoint pollution that contribute to impairment of waters. During the past four years of Congressional appropriations, Congress has increased its appropriations from \$105 million in FY 1998 to \$238.4 million in FY 2003 to help States focus more resources upon the restoration of impaired waters as well as to generally implement more robust programs.

Despite all of these program improvements, EPA, States, and all of our partners have continued to face daunting challenges in our efforts to implement nonpoint source programs that will protect both our good-quality and threatened waters and restore those that are impaired. To improve States' and EPA's ability to meet these remaining challenges, as well as to implement new directives or recommendations from Congress, EPA has in the past few years issued supplements to the May 1996 guidance. These have been particularly designed to focus increased attention on waters that are most in need of attention, especially those waters that remain impaired even after all required technology-based controls for point sources have been implemented (*i.e.*,

those waters that have been listed by States under Section 303(d) of the Clean Water Act as needing total maximum daily loads (TMDLs)). They have also addressed the recognized need to improve EPA's and States' ability to account for our accomplishments as well as shortcomings in implementing the national nonpoint source program.

EPA recognizes that these periodic issuances of supplemental guidance have made it more difficult to follow and comprehend the current national nonpoint source program, its central themes, and its priorities. For this reason, EPA is today publishing new guidelines that build upon and replace the *Nonpoint Source Program and Grants Guidance for Fiscal Year 1997 and Future Years* (May 1996) as well as all of the supplemental annual guidance and grants guidelines that have been published subsequently.

These new guidelines do not significantly modify the previous set of guidance documents. For the most part, they consolidate the pertinent portions of earlier guidance documents in a cohesive manner; eliminate or shorten discussion of program aspects that have reduced relevance to future activities (such as the upgrading of States' nonpoint source management programs, which all of the States have successfully completed), and clarify certain issues that States and Regions have raised from time to time with regard to the program's implementation during the past several years.

The concepts presented in these guidelines, such as the emphases on watershed-based planning and on restoring impaired waters through developing and implementing TMDLs, represent the current state of the art in fashioning watershed-based solutions to prevent and remedy water quality problems. These guidelines have benefitted significantly from a multi-year, evolving process working with States (*e.g.*, through the "State/EPA Nonpoint Source Partnership" initiated in 2000). EPA looks forward to continuing to work with the States and our other partners to implement an effective and successful nonpoint source program that makes rapid progress towards our goals of eliminating our remaining water quality problems and preventing new threats from creating future impairments.

Table of Contents

Preface
Table of Contents
I. Our Vision
II. Introduction
A. Statutory Background
B. Scope of These Guidelines

C. Watershed Protection and Total Maximum Daily Loads
III. Nonpoint Source Management Programs
A. Progress to Date
B. Continued Focus on Restoring Waters Impaired by Nonpoint Source Pollution
C. Integrating Other Environmental Protection Programs
D. Watershed-Based Plans
E. Scale and Scope of Watershed-Based Plans
F. Monitoring our Progress
1. Environmental Indicators
2. Monitoring in Watershed Projects
3. National Monitoring Program
IV. Grants
A. Relationship to Performance Partnership Grants
B. Funding Process
1. Allocation of Funds
2. Schedule for Awarding Section 319 Grants
a. Background
b. Six-Step Process to Awarding Section 319 Grants
C. Grant Eligibility
1. Ground-Water Activities and Source Water Protection Programs
2. Urban Storm Water Runoff
3. Abandoned Mine Lands
4. Animal Feeding Operations
5. Lake Protection and Restoration Activities
D. Criteria That Apply to the Award of Section 319 Grants
1. The Work Plan Must Demonstrate That Each Funded Element Will Implement Specific Activities Identified in the Approved Management Program
2. Section 319 Grants Must be Awarded as Continuing Environmental Program Grants
3. The Non-Federal Share Must Be At Least 40 Percent
4. Section 319 May Provide Cost Sharing to Individuals Only in the Case of Demonstration Projects
5. The State Must Demonstrate Satisfactory Progress
6. States Must Maintain their Level of Effort
7. Administrative Costs Funded by Section 319 Funds May Not Exceed 10% of the Grant Award
8. Section 319 Grants Must Contain a Condition Requiring Operation and Maintenance
E. Reporting Requirements to be Included in all Grants
1. Basic Reporting Requirements
a. Grantee Performance Reports
b. Annual Reports
c. Financial Status Reports
2. Reporting Procedures and the Grants Reporting and Tracking System
3. STORET
4. Reporting and Record-Keeping for Sub-State Organizations
V. Management and Oversight of Section 319(h) Grants
VI. Grants to Indian Tribes
VII. Waiver Process
VIII. Appendices
A. Measures and Indicators of Progress and Success
B. Generic Grant Condition Establishing State Reporting Requirements