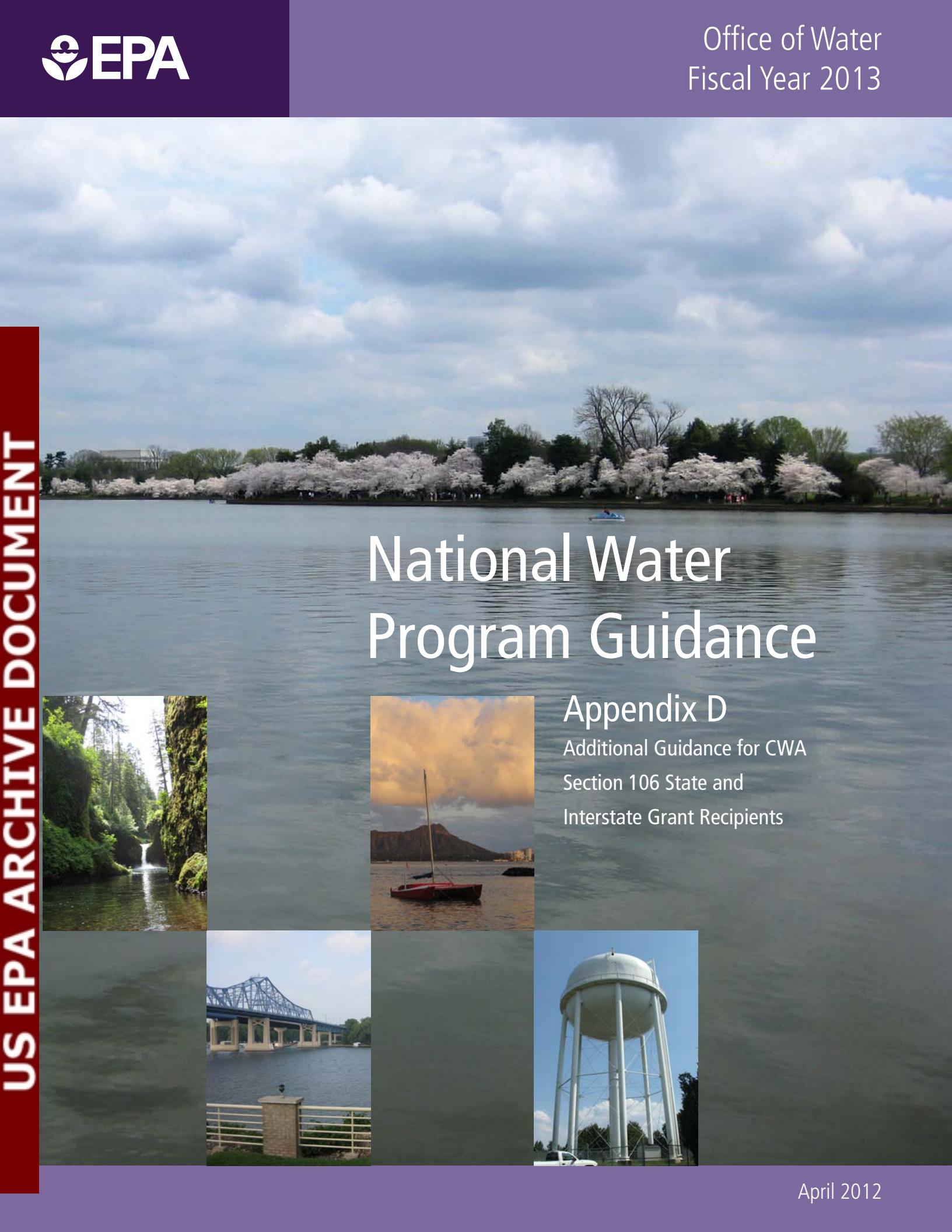


US EPA ARCHIVE DOCUMENT



National Water Program Guidance



Appendix D
Additional Guidance for CWA
Section 106 State and
Interstate Grant Recipients



Appendix D

Additional Guidance for CWA Section 106 State and Interstate Grant Recipients

This appendix, along with the text boxes found in Section III.1.B.1, provide guidance for state and interstate grant recipients when implementing water pollution control programs under Section 106 of the Clean Water Act (CWA). Together, Section III.1, the text boxes, and Appendix D make up the CWA Section 106 grant guidance.

FY 2013 Nutrient Initiative: The FY 2013 President's Budget requests \$26.8 million in additional Section 106 funds. If these additional funds are included in EPA's FY 2013 budget, EPA will provide \$15 million of the increase to support state, interstate agencies, and tribal activities to address water quality impairment through the reduction of nutrient loads. This initiative will work in conjunction with activities being carried out by states and tribes using Section 319 and USDA funding. The March 16, 2011, Nancy K. Stoner memorandum, *Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions*, will be used as the framework for awarding Section 106 funds to implement nutrient reduction activities. A separate guidance will be provided for the nutrient initiative funds. EPA is also requesting \$11.8 million to support base program activities.

Base Program Measures: CWA Section 106 funding supports many of the strategic targets and goals outlined in the *National Water Program Guidance*. These measures include:

WQ-SP10.N11	WQ-SP13	WQ-3a	WQ-12a	WQ-15a
WQ-SP11	WQ-1a	WQ-8b	WQ-13a, b, c, d	WQ-19a
WQ-SP12.N11	WQ-26	WQ-10	WQ-14a	SS-1

Measures specific to tribal programs are found in Section VI of this *National Water Program Guidance*.

Guidance for Core Programs: Guidance for core programs funded through grants for water pollution control programs under CWA Section 106 is provided in text boxes in Section III.1. Improve Water Quality on a Watershed Basis.

Other programs in the NWPG that can utilize CWA Section 106 Funds: State and interstate agencies can use CWA Section 106 grants to carry out a wide range of water quality planning and management activities. Agencies have the flexibility to allocate funds toward priority activities. Other activities that may be funded with CWA Section 106 funds include:

Source Water and Ground Water: EPA regions and states are reminded that CWA Section 106 grant funds are an essential funding source for the states' drinking water

protection activities. The Agency recommends that states continue to direct a portion of their CWA Section 106 funding to source water protection and wellhead protection actions that protect both ground water and surface water used for drinking water. States should ensure that there are protective water quality standards in place, and being attained, for each waterbody being used as a public water supply. Also, EPA encourages states to allocate a reasonable share of water quality monitoring resources to assess attainment of the public water supply use, and consider using water quality or compliance monitoring data collected by public water systems in assessing water quality and determining impairment. States should consider placing a high priority on (a) waterbodies where state or local source water assessments have identified highly threatening sources of contamination that are subject to CWA and (b) the development and implementation of TMDLs to address impairments of the public water supply use. In particular, states should consider the relationship between point source dischargers and drinking water intakes in setting permit requirements and inspection and enforcement priorities. In addition, EPA encourages state programs to consider using their allocation to leverage the resources of Source Water Collaborative members and allies, found on: <http://www.sourcewatercollaborative.org/>. See Section II.1,B,5 for additional discussion on the Source Water and Ground Water.

Non-point Source: States, territories, and tribes may use CWA Section 106 funds to develop watershed-based plans and to conduct monitoring on a watershed basis. States' integrated monitoring designs should use a combination of statistical surveys and targeted monitoring to cost-effectively evaluate the health of watersheds and the effectiveness of protection and restoration actions, such as nonpoint source implementation projects. In addition, EPA encourages, consistent with the scope of CWA Section 106, broader efforts to protect and maintain healthy watersheds, so that costly implementation measures are not required to restore water quality and aquatic habitat.

Protecting Wetlands: Some states have utilized CWA Section 106 funds for program implementation, including wetlands monitoring and protection projects.

Fish and Shellfish Safe to Eat: See the grant program guidance at:
<http://www.epa.gov/water/waterplan>.

Water Safe for Swimming: See the grant program guidance at:
<http://www.epa.gov/water/waterplan>.

Other Guidance: Guidance for the Tribal Program, the Monitoring Initiative, and Enforcement is provided separately and can be found at:

- Tribal water pollution control programs. See <http://epa.gov/owm/cwfinance/106tgg07.htm>.
- State and interstate use of Monitoring Initiative funds. See <http://epa.gov/owm/cwfinance/106-guidelines-monitor.htm>.
- Office of Compliance and Enforcement Assurance National Program Management Guidance. In October, 2009, EPA issued the Clean Water Act Action Plan ("the

Action Plan’’). The Action Plan identifies steps EPA will take to improve enforcement efforts aimed at addressing water quality impairment. The Office of Water continues to work with the Office of Enforcement and Compliance Assurance (OECA), EPA regions, and states to implement the Action Plan. For more information on specific enforcement actions for 2013, please see the 2013 OECA National Program guidance at:

<http://www.epa.gov/planandbudget/annualplan/fy2013.html>.

Disclaimer: The discussion in this document is intended solely as guidance. The statutory provisions and EPA regulations described in this document contain legally binding requirements. This document is not a regulation itself, nor does it change or substitute for those provisions and regulations. Thus, it does not impose legally binding requirements on EPA, states, or the regulated community. This guidance does not confer legal rights or impose legal obligations upon any member of the public.

While EPA has made every effort to ensure the accuracy of the discussion in this guidance, the obligations of the regulated community are determined by statutes, regulations, or other legally binding requirements. In the event of a conflict between the discussion in this document and any statute or regulation, this document would not be controlling. The general description provided here may not apply to a particular situation based upon the circumstances. Interested parties are free to raise questions and objections about the substance of this guidance and the appropriateness of the application of this guidance to a particular situation. EPA and other decision makers retain the discretion to adopt approaches on a case-by-case basis that differ from those described in this guidance where appropriate. Mention of trade names or commercial products does not constitute endorsement or recommendation for their use. This is a living document and may be revised periodically without public notice. EPA welcomes public input on this document at any time.