Checklist for Determining Progress of State NPS Management Programs in 2013

Oregon Department of Environmental Quality (ODEQ)

Completed by the US EPA Region 10, May 2014

1. Meeting Statutory and Regulatory Requirements and Demonstrating Water Quality Results

A. Section 319(h) (8) requires EPA to determine if a state has made satisfactory progress in meeting a schedule of annual milestones to implement its NPS management program.

i) Does the state's NPS management program include relevant, up-to-date and trackable annual milestones for program implementation? Yes, ODEQ reports up to date milestones in its Annual Report 2013 and clearly outlined by category in Table 1 pages 14-20.

ii) If the state does not yet include up-to-date annual milestones in its NPS management program, in what document(s) is this schedule located? N/A

iii) Has the state reported its progress in the annual report required under CWA section 319(h)(11) in meeting its milestone(s) for the preceding fiscal year? Yes

iv) Has the state demonstrated satisfactory progress in meeting its schedule or milestone(s) for the preceding fiscal year? Briefly elaborate. Yes, the state reported progress in meeting its schedule and milestones as reported in its annual report, the Grants Reporting and Tracking System (GRTS) and the Oregon DEQ/EPA R10 PPA/PPG.

B. Section 319(h)(11) requires each state to report on an annual basis reductions in NPS pollutant loading and improvements in water quality.

i) For all active projects that have NPS reduction goals for nutrients or sediment, did the state report load reductions (WQ-9) into GRTS during the reporting period after the first year that practices were installed or implemented achieved?

Annual nitrogen, phosphorus and sedimentation-siltation reductions from 319 FY 2013 were modeled and entered into GRTS by ODEQ. Two projects, Little Butte Creek and North Coast were summarized in Table 12 (page 62) in the Annual Report. The load reductions estimates for these two projects for 2013 totaled 517,291 pounds/year for nitrogen, 112,438 pounds/year for phosphorus and 18,005 tons/year for sediments-siltation.

ii) Has the state reported improvements in water quality that have occurred in the current reporting period resulting from implementation of its NPS management program and/or previous years' section 319(h) grant work plans? (e.g., reporting on SP-12 or other improvements such as shellfish bed and beach openings that have not yet led to attainment of water quality standards)?

ODEQ submitted SP-12 documentation for Klichis River on 4/22/2013, which should be added to the Annual Report.

iii) Did the state meet its annual commitment/target/goal (if any) under WQ-10 to remove impaired waters from the 303(d) list? Although there is no state-specific target, the Oregon DEQ/EPA PPG includes a commitment to prepare Success Stories documenting either water quality progress or water quality restoration/attainment (WQ-10).

Oregon has one WQ-10 story, Diamond Lake, and two additional 'showing progress' Success Stories

for Oregon (Bear Creek Lake and Tualatin River) have been completed and posted on the EPA Success Story website. The state has no new WQ-10 stories.

2. Overall GRTS Reporting

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

A. 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 geo-locational tags where available) for all applicable projects in the previous section 319 grant award?

Yes

3. Focus on Watershed-Based Implementation

For this question, it is sufficient to document the results of previous findings, if this was determined during the Region's reviews of the state's active grant work plans.

A. Is the state implementing nine-element watershed-based plans – or approved alternative plans - at required grant expenditure levels in accordance with EPA's guidelines for CWA section 319(h) grants? If not, please explain.

Oregon directs at least 37% of its 319 incremental funds instead of the 80% per EPA guidance. Oregon has been subjected to severe program cuts due to changes in the state budget priorities.

EPA continued to work with Oregon to incorporate the nine key watershed based plan elements into the state TMDL implementation planning process involving the state designated management agencies. EPA Region 10 reviewed and approved all Oregon 319 project workplans.

4. 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 grants.

A. *Tracking and Reporting*. For all active section 319(h) grants, using existing post-award monitoring or best professional judgment:

i) Is the state's RFP process efficient and timely for selecting and funding projects within the work plan timeframe?

Yes

ii) Did the State obligate all of the section 319(h) funds in the previous year's award within one year per current section 319 grant guidelines?

Yes, the current annual report for 2013 covers calendar year 2013. The funds are available as specified in 319(b)(6).

B. *Rate of Expenditures*. For categorical grants, include and examine a summary of expenditures for all open section 319 grant awards listing the following: state; grant #; FY; project period; grant award amount; balance (unliquidated obligation); percent unliquidated obligation. See example

below, which contains information readily available through Compass, EPA's financial data warehouse. This information could also be obtained from other EPA tools such as GRTS or the Post Award Baseline Tracking Tool. Include a state total of grant award amount, balance and percent unliquidated obligation. Please reference the source and date of information used to answer the question below. ("SA" in column 1of the example below = State Abbreviation.)

Note: This analysis is not required for section 319 funds incorporated into a PPG. CWA Section 319(h) Funds, Rates of Expenditures (Unliquidated Obligations)

Oregon DEQ-CWA 319 Grant Balances (Unliquidated Obligations)
Based on Compass Federal Data Warehouse Online as of May 22, 2014

Grant #	FY	Project Period	Grant Award	Balance (ULO)	% ULO
C900045109	09	05/01/09-12/31/13	$1,687,109	0	0
C900045110	10	06/01/10-12/31/14	$1,381,409	$84,491	6 %
C900045111	11	07/01/11-12/31/14	$1,111,832	$214,667	19 %
C900045112	12	06/01/12-12/31/15	$905,000	$541,884	59 %
C900045113	13	07/01/13-12/13/17	$1,260,847	$735,308	58 %

Relying on best professional judgment, do the figures in the Rate of Expenditures chart substantially match the expected drawdown rates or the negotiated outlay strategy from the associated grant work plan schedules? If not, briefly explain.

Yes

5. PPG Considerations

For states that include section 319 funds in Performance Partnership Grants (PPGs), briefly report on the following.

A. Has the state followed the goals, objectives and measures of the national program guidelines and priorities in implementing its NPS program? If not, did the state negotiate with the EPA region a work plan that differs significantly from the National Program Manager (NPM) guidance? (If yes, the EPA Region was required to consult with the NPS NPM.) Please explain.

Yes, Oregon adequately documented progress made during 2013 in the NPS Annual Report for the portion of 319 funds going into the PPG, including progress under the PPG Priorities and Commitments. The work plan aligns with the NPM.

B. Using best professional judgment, has the state adequately documented progress consistent with its listed priorities?

Oregon adequately documented progress made during 2013 in the NPS Annual Report on documenting progress on its program priorities including working toward implementation of the watershed approach and incorporating the use of EPA's nine key NPS elements in watershed planning. Details are outlined in Section 3.4 of the Annual Report.

6. Identifying and Addressing Performance Issues/Progress Concerns

A. Considering issues itemized on this checklist, briefly summarize any significant outstanding section 319 grant performance issues or progress concerns, including recommendation(s) for corrective action(s). For states with out-of-date NPS management programs or schedule of milestones, Regions are to ensure that forthcoming section 319 grant awards are contingent on completing updates to these programs or milestones.

To summarize, Oregon was unable to devote 80% of incremental funds to address implementation projects due to budget issues and instead needed to devote more of the funds to support program staff. The reported split of funds was for $1,301,492 for base funding to support 9.45 FTE (63%) and $756,508 (37%) for incremental. 2013 Guidance directs that 80% of incremental would be for restoration projects and ODEQ was able to direct 55% towards this end.
Progress with the CZARA is described in the review comments and currently being addressed by ODEQ, EPA and NOAA. ODEQ submitted a revision of the 2000 NPS management plan and priorities and received comments from the EPA. The EPA and ODEQ anticipate that this document will be finalized by September 2014. ODEQ continues to make progress toward leveraging 319 funds with other funding sources toward implementation of watershed-based TMDL plans.

B. Are there other significant outstanding section 319 grant performance issues or progress concerns that were not identified through this checklist? If so, please describe, including any recommendation(s) for corrective action(s), as may be appropriate.

There are no other significant 319 grant performance issues.