



State of Ohio Environmental Protection Agency

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January 6, 2009

Dear Nonpoint Source Management Partner:

We are pleased to announce that Ohio EPA, in concert with other state water quality partners, is soliciting proposals for grants awarded under Section 319(h) of the Clean Water Act. Ohio has established a goal of 80 percent aquatic life use attainment for Ohio waters by 2010. Consistent with this goal, the Section 319(h) Project Implementation grant program is designed to provide financial assistance for projects that eliminate or reduce water quality impairments caused by nonpoint source (NPS) pollution.

Based on previous allocations of federal funding, up to \$3.5 million will be available for Section 319(h) grant funding during Federal Fiscal Year (FFY) 2010. The actual amount depends upon the final FFY2010 U.S. EPA budget approved by Congress and the allocation awarded to Ohio by U.S. EPA.

Priority Funding

Section 319(h) implementation grant funding is targeted to Ohio waters where NPS pollution is a significant cause of aquatic life use impairments. Projects that eliminate such impairments and/or that restore impaired waters will score significantly higher in the review process and receive more favorable consideration than general NPS pollution prevention projects. Projects that are identified within completed TMDL reports, state-endorsed watershed plans and/or AMDAT plans that eliminate impairments and/or restore impaired waters will receive higher consideration than projects submitted from watersheds without any of the above plans. We do not anticipate funding any projects from watersheds that do not have an endorsed watershed plan, completed TMDL and/or approved AMDAT plan; however Ohio EPA's director may elect to fund demonstration projects in such watersheds when doing so may result in the elimination of impairments and/or advancement of NPS management capacity. All proposed projects must be implemented consistent with the nine required program elements listed in **Attachment 1** of this RFP.

Grant Amounts and Local Matching Requirements

Applicants may apply for up to \$400,000 in federal Section 319(h) implementation grant funds for a three-year period. Federal funding may **not** exceed

60 percent of total project costs – in other words, 40 percent of the total project costs MUST be provided as local match. *For example: if **total** project costs equal \$100,000, then no more than \$60,000 may be federal 319(h) grant funds.*

Applicants may apply for several types of projects within a single grant application; however, TOTAL Section 319(h) grant funding requests may not exceed \$400,000 in total federal funding. Grant sponsors may submit only one (1) application per watershed.

Subgrant sponsors currently holding two (2) or more active Section 319(h) subgrants are discouraged from applying for additional funding until such time that existing subgrant projects are complete and closed. As a means of encouraging statewide participation, grant criteria are established to provide additional credit to applicants without active subgrants.

Project Specific Educational and Outreach Requirements

In addition to identifying specific water quality restoration goals for each proposed project, all applications for Section 319(h) implementation grants must include project-specific educational and public outreach activities describing how the successes of the project will be communicated throughout the community. Costs associated with project -specific educational and outreach activities are eligible for grant funding, *but may not exceed 15 percent of total project costs.* **General nonpoint source pollution educational programming is not eligible for grant funding.**

Environmental Monitoring

Environmental monitoring is no longer required in order to qualify for Section 319(h) subgrant funding. Ohio EPA will conduct environmental monitoring associated with sub-grant project implementation using staff from the Division of Surface Water's Ecological Assessment Unit or by a contract provider.

Eligible Projects

A sample listing of the types of projects that we are seeking to support with Section 319(h) grant funding follows. We also have included general grant guidelines and limitations that may apply to specific types of projects:

1. Stream Restoration and/or Renaturalization Projects

Stream restoration or renaturalization projects that re-establish natural ecology, morphology and flow continue to be highly encouraged. Eligible projects include natural stream channel reconstruction; overwide ditch conversion; levee removal or modification; non-armored stream bank stabilization in areas of known impairment; low-head dam removal and/or modification; in-stream habitat restoration; and/or other projects that restore natural stream ecology, morphology and flow. Stream restoration projects will receive a higher score when restored areas are protected with conservation easements and/or other riparian protection measures. Applicants are eligible to apply for up to \$400,000 in federal 319(h) funding to implement these projects.

*Projects such as logjam removal are **not** eligible for funding or for use as local match. Projects proposed under enforcement order or required as mitigation under regulatory programs such as Section 401 permits also are **not** eligible for funding.*

2. Wetland Restoration and/or Renaturalization

The restoration of wetlands that are hydrologically connected to surface waters is important for the effective filtering of nonpoint source pollutants. Section 319(h) subgrant funding is available for local groups to help restore and protect naturally occurring wetland areas. We are particularly interested in funding projects that restore previously existing wetland areas that are being degraded through existing land uses such as farming, mowing or other activities. Up to \$500,000 is available for wetland restoration projects that are likely to contribute to improvements in surface water quality. Projects that protect restored areas with conservation easements or other protective measures will receive additional consideration. Wetland restoration projects that include conservation easement protection may request funding for easements through the riparian and wetland protection component of this RFP. *Projects that propose the construction of dikes or levees within the floodplain will **not** be considered for Section 319(h) funding.*

3. Agricultural Best Management Practices and Projects

When implemented effectively, creative and highly targeted projects using agricultural best management practices (BMPs) are effective at reducing or preventing NPS pollutants from entering surface waters. During the FFY2010 grant cycle, Ohio EPA is particularly interested in funding two or three intensive agricultural projects employing multiple management practices in concentrated areas of known impairment. The types of projects being encouraged follow:

- nutrient management projects (must include more than planning);
- sediment control projects;
- alternative drainage projects;
- livestock exclusion projects; and
- riparian re-vegetation and/or protection projects.

General Limitations for the above agricultural BMP projects include:

- Projects must be implemented in a single 14-digit HUC subwatershed which is addressed by an endorsed watershed action plan and/or completed TMDL.
- Grant-funded practices must be selected from the NRCS list of approved management practices and must be identified as requiring completion in the TMDL and/or endorsed watershed action plan for the subwatershed.
- Projects must include chemical water monitoring sufficient to validate any load reductions resulting from the project.
- Personnel costs may not exceed 15 percent of grant funds requested.
- Cost-share amounts may not exceed 75 percent of actual costs required to install management practices.

*Consistent with federal grant guidelines, Section 319(h) grant funds may **not** be used to replace and/or expand an existing EQIP (or other farm-bill funded) initiative within the same subwatershed for which a grant project is proposed. Neither may 319(h) grant funds be used as cost-share for tillage and/or other agricultural equipment purchases. Applicants are eligible to apply for up to \$400,000 in federal 319(h) funding to implement these types of projects in **only one** 12-digit HUC per grant cycle.*

4. Acid Mine Drainage Abatement and AML Reclamation Projects

When conducted consistent with an approved acid mine drainage abatement (AMD) and treatment plan, AMD abatement and reclamation of abandoned mine land projects may significantly and permanently reduce or eliminate metals, sediment and other NPS pollutant from mining-impaired water bodies. *Construction projects designed to address AMD abatement or AML reclamation must demonstrate the following at the time of application: a completed characterization of the problem; general permission from all applicable landowners; preliminary cost estimates; and, a conceptual design for treatment.* Applicants are eligible to apply for up to \$400,000 in federal 319(h) funding to implement these projects.

5. Riparian Restoration Projects

Riparian areas play vital roles in preventing pollutants from entering surface waters. Tree planting, dike removal or riparian wetland restoration and other projects designed to restore previously impacted riparian forests and floodplains are encouraged, particularly when conducted with additional protective measures such as conservation easement acquisition. Applicants are eligible to apply for up to \$400,000 to implement riparian restoration projects.

6. Riparian and Wetland Protection and Conservation Easement Projects

Riparian and wetland protection projects, when wetlands are hydrologically connected to surface waters, may be valuable in protecting the existing quality of surface water from potential NPS pollution threats. Riparian protection projects funded under Section 319(h) must be focused in areas where NPS causes are known to be the primary reason for impairments or threats of impairments. Riparian protection projects also may be focused along high quality streams where the threat of NPS impairments has been identified and localized. Protection projects such as conservation easement acquisition will rank more highly when conducted in conjunction with other restoration activities and/or when conducted on higher quality rivers or streams. Applicants are eligible to apply for no more than **\$250,000** to implement conservation easement and other riparian protection projects.

7. Other NPS Implementation Projects

This list does not include all eligible projects that may be considered for 319(h) implementation grant funding. If your plans include projects that are not included in the above list and you believe they may qualify under general 319(h) implementation grant guidelines, please contact your respective Ohio EPA District NPS Environmental Specialist. Contact information is included in **Attachment 2** of this RFP.

General Section 319(h) Implementation Grants Guidelines

When preparing your application for Section 319(h) implementation grant funding, the following general guidelines apply:

1. Section 319 grant funding is available to local watershed groups, land conservancies or trusts, nonprofit organizations, units of county, municipal and township governments, park districts and other local land managing agencies, soil and water conservation districts, conservation organizations and others. In limited instances, Section 319(h) grants may be awarded to state agencies with land management responsibilities or state universities. *We do not anticipate awarding grants to any individuals and/or for-profit organizations during FFY2010.*
2. Implementation of nutrient management or agricultural run-off control from regulated livestock feeding operations, incentive payments for Conservation Reserve Program (CRP) or Conservation Reserve Enhancement Program (CREP), and/or bonus payments for the adoption of certain long-term conservation practices under CRP or CREP are **not** eligible for Section 319(h) implementation grant funding.
3. Section 319(h) implementation grant funds may **not** be used to pay for best management practices (BMPs) or “end-of-pipe treatments” which either are required or anticipated to be required under an NPDES permit. Neither FFY2010 319(h) implementation funds nor local matching funds may be spent on Phase 1 or Phase 2 NPDES storm water compliance efforts.
4. Land purchases are ineligible under Section 319(h) implementation program funding. However, this limitation does not apply to the acquisition of conservation easements when the original landowner retains title to the property. Cost-share (and/or matching credit) may **not** exceed the appraised fair market value of the conservation easement or \$25,000 per acre, whichever is the lesser amount. Easements must be acquired consistent with provisions of Ohio Revised Code Section 5301.67(A).
5. Local matching funds are “federalized” upon approval of grant funding. Matching funds may **not** be used for activities or expenditures that would otherwise not be allowable, may not be allocated or reasonable for federal grant funds under federal grant regulations or guidelines. *For example, land acquisition is not allowable under Section 319(h) grant guidelines, therefore, local matching funds may not be used for land acquisition.*
6. Section 319(h) project implementation funding may **not** be used to conduct research related activities. However, activities such as sediment studies, hydraulic modeling and other analyses that are required as part of permitting for projects such as dam removal and stream restoration MAY be completed using Section 319(h) grant funds. ***Costs associated with complying with Stormwater Permit requirements are not eligible for funding under Section 319(h).***
7. Grant applicants and implementing agencies must have the proper jurisdiction within a watershed to implement the proposed activities, or propose to subcontract portions of the grant-funded project to the appropriate legal entities for implementation.

8. Project sponsors may subcontract portions of their Section 319(h) or local matching funds for technical or other services associated with implementation of the proposed project. ***Please note: ALL subcontracts exceeding \$10,000 (grant funds or local matching funds) require prior formal approval from the Ohio EPA Nonpoint Source Program manager or Section 319 grants administrator.***

Application Deadline & Review Procedures

The deadline for submitting Section 319(h) implementation grant applications is close of business May 7, 2009. Applications **must** be complete and received and/or postmarked by the above date to be considered for funding. Applications postmarked (or hand-delivered) after this date will be returned to the applicant without further consideration.

Please submit **three** (3) copies of the complete application with **original** (blue ink) signatures and **one** (1) copy of the application in **Microsoft Word** format on either floppy disk or CD. Completed applications may be mailed or delivered to:

Ohio Environmental Protection Agency
Division of Surface Water
Attn: Russ Gibson, NPS Program Manager
50 W.Town St., Ste 700
Columbus, OH 43216-1049

Upon receipt, all Section 319(h) implementation grant applications will be reviewed for completeness, technical merit and adherence to the 1987 amendments to the Clean Water Act, U.S. EPA Section 319(h) Program Guidance, and FFY2009 RFP criteria. Applications found to be administratively complete will undergo a comprehensive review using criteria designed to evaluate and score the following:

1. environmental results likely to be achieved;
2. status of TMDL and/or local watershed planning efforts;
3. applicant's prior performance with Section 319(h) grants;
4. overall effectiveness of the project;
5. feasibility of completing the proposed project in a timely manner;
6. local commitment and matching funds;
7. applicant's capability to administer federal grant funds;
8. project specific educational and outreach activities; and
9. existing environmental quality and restorability of the watershed

In addition to the above general criteria that are applicable to all applicants, projects also will be evaluated using specific technical criteria developed for the specific type of proposed project.

Upon completion of all reviews, applications will be ranked according to their review scores and recommendations for funding will be developed based upon this ranking. Funding decisions will be made by the director of Ohio EPA and recommended to U.S. EPA Region 5. Recommended subgrant applications will be incorporated into the Ohio Section 319(h) grant application submitted to U.S. EPA in

autumn 2009. We anticipate that grant awards will likely be announced between January and April 2010. Successful applicants will be required to execute a formal grant agreement and adhere to all requirements of the Section 319(h) implementation grants program.

Application Materials and Technical Assistance

Applications are available at the Ohio EPA, Division of Surface Water (DSW) homepage located at www.epa.state.oh.us/dsw/nps. Applications are also available at Ohio EPA's district offices or by contacting Russ Gibson, NPS Program manager at (614) 644-2020. A list of Ohio EPA District Offices and respective nonpoint source environmental specialists is located in Attachment 2 of this RFP.

We appreciate your interest in Section 319(h) grants and look forward to working with you to help Ohio meet important water quality goals. If after reviewing this information you require additional assistance or have questions, please do not hesitate to contact the district NPS environmental specialist in your area.

Sincerely,

George Elmaraghy, P.E., Chief
Division of Surface Water

GAE/rg/jh
Attachments

Attachment 1

Nine Program Elements that All Projects Must Meet

The following information is condensed from 2003 U.S. EPA Guidance for Watershed Action Plans.^a All Section 319 implementation grant projects are required by federal 319(h) grant guidelines to meet each of the following nine elements:

1. An identification of the causes and sources or groups of similar sources that must be controlled to achieve the load reductions estimated.
2. An estimate of the load reductions expected for the management measures described.
3. A description of the NPS management measures that must be implemented to achieve the load reductions estimates and identification (using a map or a description) of the critical areas in which those measures are required.
4. An estimate of the amount of financial assistance needed.
5. An information/education component that will be used to enhance public understanding of the project and encourage their early and continued participation.
6. A schedule for implementing the NPS management measures that is reasonably expeditious.
7. A description of interim, measurable milestones for determining whether NPS management measures or other control actions are being implemented.
8. A set of criteria that can be used to determine whether loading reductions are being achieved over time and substantial progress is being made toward attaining water quality standards.
9. A monitoring component to evaluate the effectiveness of the implementation efforts over time, measured against the (established) criteria. (Projects will meet this element by virtue of Ohio EPA performing statewide 319 project monitoring during FFY10).

^a For the complete text, please refer to <http://www.epa.gov/fedrgstr/EPA-WATER/2003/October/Day-23/w26755.htm>. These nine program elements also form the basis of Ohio's watershed plan endorsement criteria.

Attachment 2



Ohio EPA District Office Nonpoint Source Field Staff
Southeast District Questions should be directed to Central Office at (614) 644-2020

Northwest District

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