

Nebraska Department of
Environment and Energy

Planning = DWSRF 15%
Implementation = CWA Section 319
and Farm Bill NRCS

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Drinking Water Protection Management Plan – Fact Sheet

The following expectations will be required in order for Drinking Water Protection Management Plans to be approved by NDEE and accepted by EPA:

- ✓ Meet EPA’s alternative to a 9-element watershed management plan elements
 - Identification of the causes or sources of water quality problem;
 - Wellhead Protection area goal(s) and explanation of how the proposed project(s) will achieve or make advancements towards achieving water quality goals;
 - Schedule and milestones to guide project implementation;
 - Proposed management measures such as activities which can reduce water contamination (including how the activities will be maintained) and explanation of how these measures will effectively address the water quality problems identified above. This would include strategically selected types and locations of implementable “on-the-ground” Best Management Practices; and
 - Monitoring component that will evaluate the effectiveness of the management practices (e.g., soil sampling, vadose sampling, water sampling).

For more information on each of these bullets, please refer to the *Handbook for Developing Watershed Plans to Restore and Protect Our Waters*:

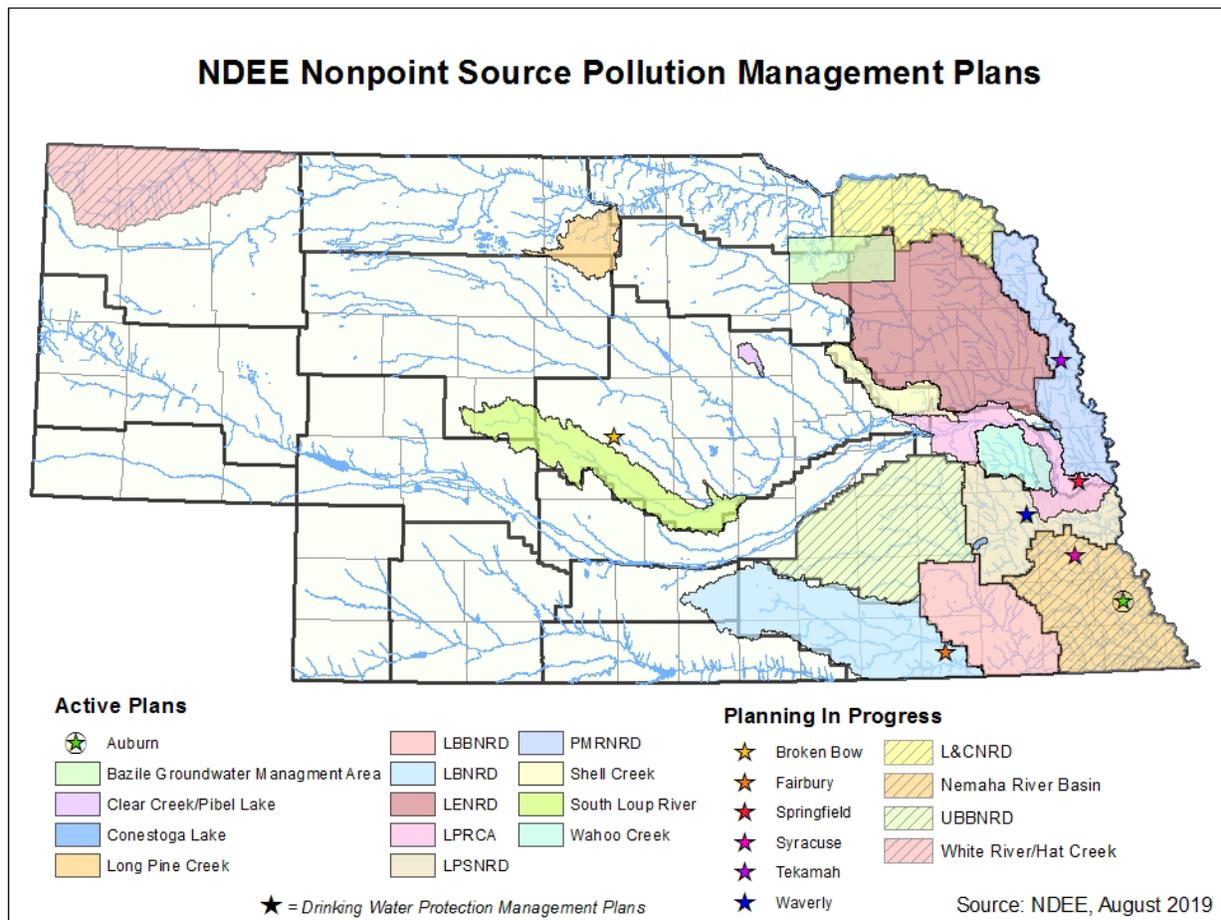
https://www.epa.gov/sites/production/files/2015-09/documents/2008_04_18_nps_watershed_handbook_handbook-2.pdf

- ✓ Plan area to include the 50 year time-of-travel based on a three-dimensional groundwater model approved by NDEE-WHP program. Contact Tatiana Davila at (402) 471-3376 or tatiana.davila@nebraska.gov for requirements and approval procedures.
 - Complete a scoping meeting with stakeholders, project sponsors, and NDEE to ensure all the most accurate and current data is used in the modeling process.
- ✓ Community based planning process for the development of the plan is required. Please refer to *Community-Based Watershed Management Planning Guidebook*: <http://deq.ne.gov/publica.nsf/pages/WAT120> for more information.
- ✓ Strong implementable Information and Education program.
- ✓ Must contain all required elements of WHP Plan to submit for state approved WHP Plan. <http://deq.ne.gov/NDEQProg.nsf/OnWeb/WHPA> for more information.
- ✓ Must meet NDEE approval criteria before final reimbursement
 - Complete draft plan submitted to NDEE for review at least two months prior to project completion and allow for one round of plan edits.

Case Studies: Using Drinking Water State Revolving Fund Set-Asides for Source Water Protection

Drinking Water Protection Management Plans, NE

The Nebraska Department of Environmental and Energy is developing groundwater-focused plans to help Community Public Water Systems address nonpoint sources of pollution. Plans are developed using source water protection grants funded by the DWSRF 15% Local Assistance set-aside and are written to meet the requirements of an Alternative to an EPA 9-Element Watershed Management Plan. Once accepted, the plans become eligible for EPA CWA Section 319 grant funds which may be used to implement the plans, including on-the-ground BMPs and public outreach to address nitrate contamination in the aquifer. Seven plans are currently in development and two have been accepted by EPA. Two plans are also being used to leverage targeted funding for financial and technical assistance from the USDA/NRCS's National Water Quality Initiative (NWQI) and have resulted in over \$500,000 annually for implementation of voluntary conservation practices to landowners. In addition, NDEE is collaborating with USDA/NRCS to prioritize wellhead protection areas for source water protection funding included in the 2018 Farm Bill. This provision will make \$2,000,000 - \$3,000,000 available annually for source water protection in Nebraska. The 15% set-aside funds will be used to expand the eligible wellhead protection areas from 20 year time-of-travel to 50 year time-of-travel. Funding for source water planning has been limited in the past and this collaboration between funding sources opens new avenues to higher levels of protection.



How To Make This Happen In Your State?

Your State Nonpoint Source Management Plan Needs To Allow It!

- Plan is typically updated every 5 years
- Start the conversation now
- Show this to your CWA Section 319 Non-Point Source program coordinator
- Have your coordinator call our coordinator!

State NPS Management Plan

- Long Term Goals, Objectives, Tasks and Metrics
 - Include development and implementation of Alternative to 9-Element Plans in goals, objectives, tasks.
 - Consider developing a metric for plans that cover Wellhead Protection Areas. Nebraska has a metric that reads, “Increase the number of wellhead protection areas covered by a 9-element (or alternative) management plan by 20% over the next five years.”
 - When a 9-Element plan is being developed for surface water, consider making ‘special priority areas’ for wellhead protection areas for which 319 project funds may be used for demonstration/outreach activities in conjunction with a project that primarily focuses on surface water impairments.
- Identification of Impaired Water for **Restorative** Actions
 - Besides focusing on streams, rivers, lakes, and wetlands, include groundwater. Nebraska prioritizes Wellhead Protection Areas for restoration that have been identified by local Natural Resources Districts as Phase Two or higher, serve a community public water system and have a current delineation map.
- Identification of Outstanding Waters for **Protective** Actions
 - Again, besides focusing on streams, rivers, lakes and wetlands, include groundwater. Nebraska prioritizes Wellhead Protection Areas for protection where the system is not under administrative orders by Nebraska Department of Health and Human Services, and where nitrate-nitrogen concentration in the underlying aquifer does not exceed 5ppm and that has a current delineation map.

Nebraska Approach to Source Water Protection Provision of 2019 Farm Bill

Nebraska EQIP Source Water Protection Priority Areas <i>Drafted by Elbert Traylor & Sam Radford (NDEE) from work group input.</i>			
CRITERIA FOR PRIORITY LEVELS	PRIORITY		
	High	Medium	Low
Applications located within a Wellhead Protection Area as delineated by NDEE, OR	+		
Applications located within a delineated watershed that directly drains to a surface water intake of a public water system.	+		
Applications located within a Phase 2, 3, or 4 Groundwater Quality Management Area encompassing ≥ 1 Wellhead Protection Area, OR		+	
Applications located within a delineated Groundwater Quantity Management Area encompassing ≥ 1 Wellhead Protection Area.		+	
Applications located in a delineated Phase 1 Groundwater Quality Management Area encompassing ≥ 1 Wellhead Protection Area.			+
Ineligible: Applications located within an area that does not fit the definitions above.			

Objectives for Addressing the Source Water Protection Provision:

- Efficient Implementation of the initiative
- Maximum impact to achieve measurable results
 - Target funds to the most critical resources
 - Prioritize sufficient area to accommodate available funds
- Coordinate with existing programs
- Achieve multiple agency objectives
- Base criteria on existing defined values (Water Quality Standards, MCL, Ground water regulation triggers)
- Prioritize practices with direct impact on resource concern
- Reward proactive Natural Resources Districts (Nebraska's version of Soil & Water Conservation Districts)

Source Water Protection Provision IS:

- The 2018 Farm Bill requires 10% of EQIP funds to be *targeted* to source water protection.
 - Funds are *not set aside*, but are tracked for compliance similar to:
 - Livestock (50%), Beginning Farmer/Rancher (5%), Socially Disadvantaged (5%)
- The 10% requirement is a national average: not state-specific.
- The funds go directly to producers through the general EQIP application process.
- Funds are targeted through the priority ranking system of the general EQIP application process.
- States must submit a description of their priority ranking process to USDA HQ by September 20.
 - Nebraska is defining categorical priority areas, not discrete areas.
- Priority areas must be reducible to GIS Layers.
 - USDA will use Conservation Application Ranking Tool (CART) beginning October 1, 2019.
 - CART is driven by GIS layers defining a variety of priorities.
- States may identify up to ten practices for enhanced funding (up to 90% cost share).
 - Practices must directly affect the resource concern ("impairment").
 - Not limited to ten practices (that limit only applies to enhanced cost share).

Source Water Protection Provision Is NOT:

A set-aside program. Funds are tracked, not reserved, for source water protection practices.

A grant program. Funds flow to producers through the general EQIP program.

There *may* be limited flexibility for states to reserve some funds for a demonstration.

A National Water Quality Initiative. Not intended to be limited to discrete areas (e.g., HUC-12).

Some states *are* identifying specific (discrete) priority areas (e.g., watershed).

Nebraska is identifying categorical priority areas (e.g., wellhead protection areas, ground water management areas).

Aligns with Natural Resources Districts' programs and allocation of EQIP funds.

Source Water Protection Working Group:

- Handpicked for Specific Expertise or Responsibilities (Small Group).
- Recommend a Strategy for State Technical Committee (September).
- Develop Into Standing Source Water Protection Sub-committee.