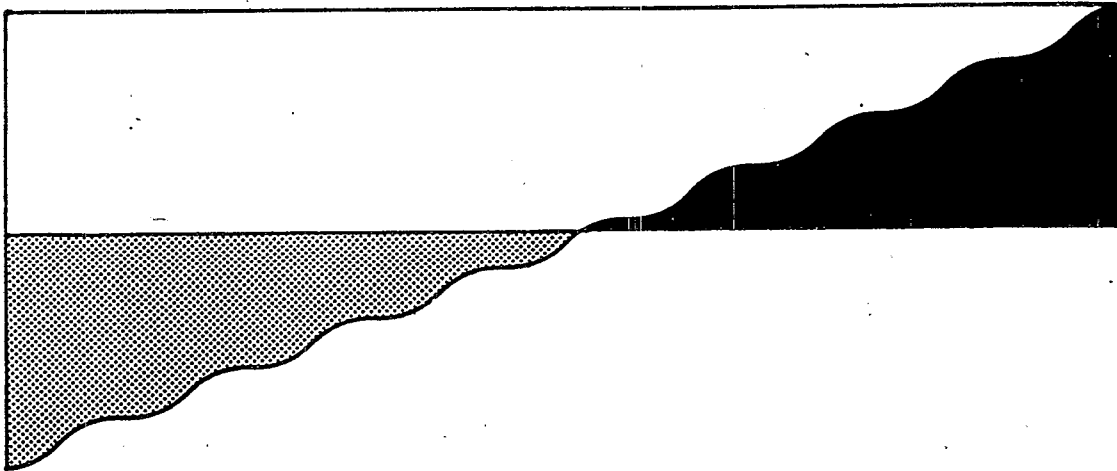




Regional Guidance For Development Of State-By-State Watershed Protection Assessments And Action Plans





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 12 1994

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Regional Guidance for Development of State-by-State Assessments and Action Plans

FROM: Michael B. Cook, Director *Michael B. Cook*
Office of Wastewater Enforcement and Compliance

TO: Water Management Division Directors (Regions I-X)

The purpose of this memorandum is to distribute the Regional guidance document for development of State-by-State Assessments and Action Plans for implementation of the NPDES Watershed strategy. As stated in the Bob Perciasepe memorandum dated May 21, 1994, completion of the State-by-State assessments and actions plans by the Regions is among the critical first steps necessary to implement the NPDES Watershed strategy in FY 1995.

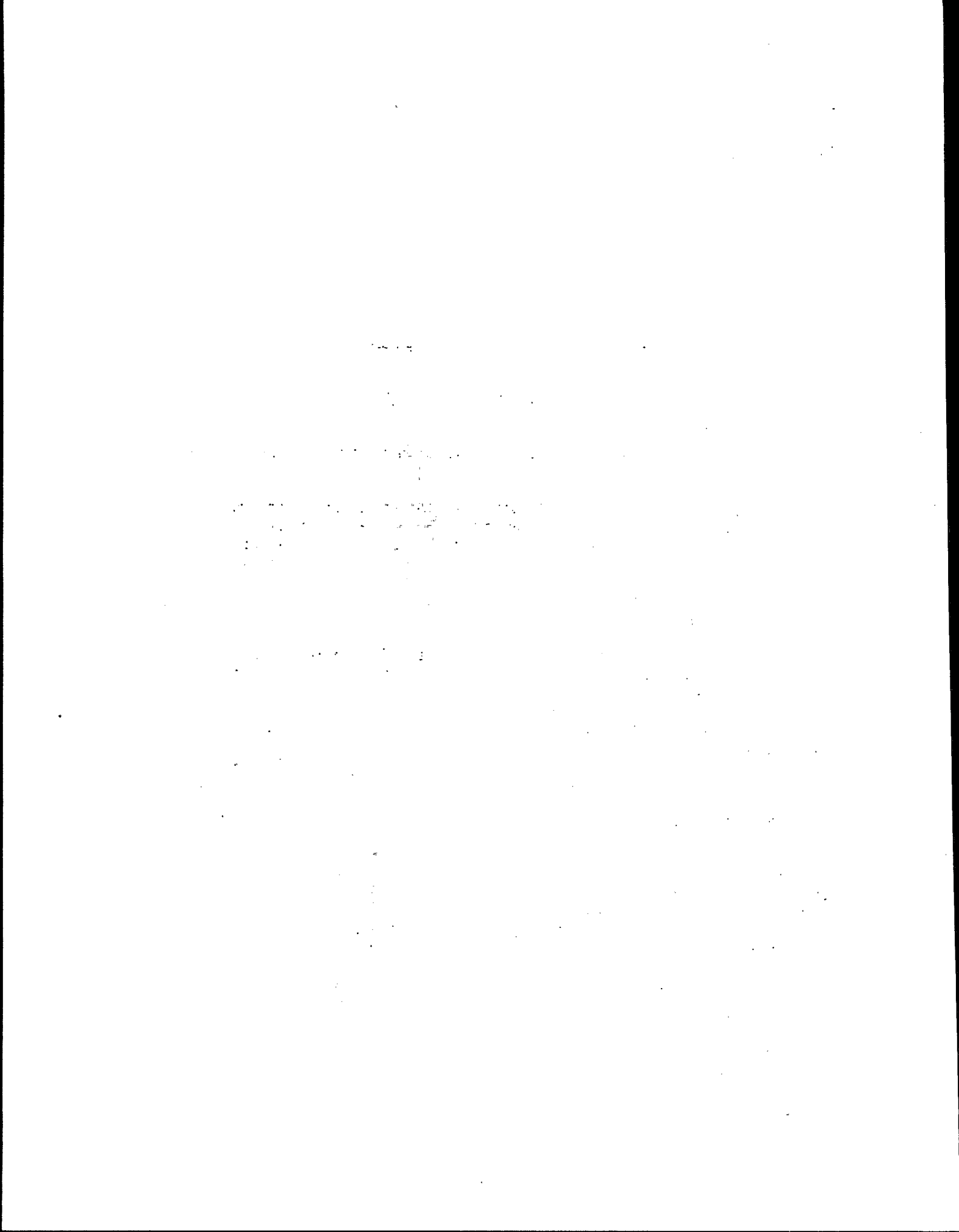
The attached guidance provides assistance to the EPA Regions in preparing State-by-State assessments and action plans. Through an assessment of the watershed protection efforts of their individual State, the Region will gain an understanding of the watershed protection efforts in each of their States, including participating programs, short and long-term goals, needs, and impediments. More importantly, these State assessments will lead to the development of Regional action plans which will identify specific action items and milestones for Regional support and facilitation of each State's movement toward the Watershed Protection Approach. Appendix A of the guidance document, outlines a range of suggested activities for the Regions to consider in developing their action plans. A final Region 10 assessment of watershed activities in the State of Idaho is included in Appendix B. This assessment may be used as a model to assist other Regions when conducting their State assessments.

If you have any questions or need further information on this guidance, please do not hesitate to contact me or Jeff Lape. Jeff can be reached 202-260-5230.

Attachment



Recycled/Recyclable
Printed with Soy/Canola ink on paper that
contains at least 50% recycled fiber



**WATERSHED
PROTECTION**

**NPDES
WATERSHED
STRATEGY**

**REGIONAL GUIDANCE FOR
DEVELOPMENT OF STATE-BY-STATE
WATERSHED PROTECTION ASSESSMENTS
AND ACTION PLANS**

Office of Wastewater Enforcement and Compliance

REGIONAL GUIDANCE FOR DEVELOPMENT OF STATE-BY-STATE WATERSHED PROTECTION ASSESSMENTS AND ACTION PLANS

Executive Summary

EPA's Office of Water (OW) recently issued the NPDES Watershed Strategy to ensure that the NPDES program is fully integrated into the Watershed Protection Approach. The NPDES strategy was developed with the detailed input and participation of Regions, States and Office of Water program offices, and was signed by the Assistant Administrator for Water on March 21, 1994. The purpose of the Strategy is to outline national objectives and implementation activities for the NPDES program to (1) integrate program functions into the broader Watershed Protection Approach and (2) support development of State-wide basin management approaches (BMA)¹. Basin management is a State-wide approach designed to meet the objectives of the broader Watershed Protection Approach.

Regional assessments of existing watershed protection efforts in each State and **Regional action plans** to support State's in this area are among the important first steps to ensuring that the Strategy purpose is achieved. Through these Regional assessments, EPA Regions will gain information about the watershed protection efforts in each of their States, including participating programs, short-and long-term goals, needs, and impediments. The goal of the assessment process is to provide EPA Regions with a detailed range of watershed protection needs and existing or potential impediments to be addressed through the Regional action plans.

¹ *For the purposes of this document, the terms State-wide basin management approach (BMA) and State-wide Watershed Protection Approach (WPA) are intended to refer to the same concept which is a comprehensive state-wide approach to managing water resources on a geographic basis.*

Action plans should describe specific actions that the Region will take to support and facilitate watershed protection in each State. The choice of action items will be unique to each Region and State. In States that are currently developing or implementing basin management approaches (BMAs), Regional action plans may focus on opportunities for the Region to provide assistance and guidance in areas such as monitoring and NPDES permitting strategies, development of environmental indicators, and pollutant trading. Where States are not developing or implementing BMAs, Regional action plans may focus on conducting educational workshops, assisting States in basin delineation and sequencing, and working with States to identify the potential benefits of basin management. In either case, each action plan should include methods by which the action items will be implemented and evaluated, and a timeline with quarterly milestones for fiscal year 1995.

EPA Regions have been asked to complete these State-by-State assessments and FY 95 watershed action plans by September 1, 1994. These documents should be submitted to Mike Cook, Director of the Office of Wastewater Enforcement and Compliance, at EPA Headquarters, 401 M Street, S.W., Washington, DC 20460.

This document provides guidance to EPA Regions in preparing State-by-State assessments and action plans. Section 1 offers suggestions on key areas to address in preparing a Regional assessment of State watershed protection efforts. It also includes model questions to help Regional staff identify important information for assessing the status of watershed protection activities in each State. Section 2 discusses how these assessments can be used to prepare Regional action plans to support watershed protection efforts. Finally, Appendix A contains detailed suggestions for potential action items that Regions can include in their action plans. Finally, Appendix B is a final Region 10 assessment of watershed activities in the State of Idaho, which may be used as a model to assist other Regions when conducting their State assessments.

1.0 Completing State-by-State Assessments

1.1 Objectives

Each Region should assess existing watershed protection activities for each State within its jurisdiction to obtain sufficient information for developing Regional action plans that effectively support and facilitate State efforts to establish a basin management approach (BMA). An assessment of current State water quality program organization, procedures and capabilities will provide sufficient information to identify the needs, opportunities and existing or potential impediments, developing comprehensive State-wide approaches. Regional assessments are not intended to be compliance audits, rather they are careful and thoughtful reviews of current state watershed/basin management activities and needs—upon which to base Regional support activities.

Regions are encouraged to perform comprehensive assessments that will provide both a strong basis for action plan development and a baseline against which to measure progress. A few States have already begun implementing State-wide basin management effort and several others are currently developing management frameworks for implementing BMAs. Regional assessments of these States will lead to Regional action plans that focus on activities which the Region can take to assist and further State-wide efforts. Where a State assessment indicates that a comprehensive BMA is not being developed or implemented, action plans may focus on conducting educational workshops at the State level, and working with the State to identify potential benefits of a state-wide approach.

1.2 Assessment Methodology

The following sub-sections provide a step-by-step guide for collecting information about a State's watershed protection activities and needs. Sub-sections 1.3-1.8 cover each of the specific components of the NPDES Watershed Strategy. At the beginning of each of these sub-sections, a brief explanation is provided on the relationship of that component to a BMA, and the particular areas in which the Region should focus the assessment. A final sub-section suggests how to compile the individual component assessments into an overall assessment for each State and identify items for consideration in Regional action plan development.

Internal coordination at the Regional level is essential to assessing watershed protection activities and needs within each State. Availability of information for assessments may vary greatly from Region to Region and State to State. Some information on current State watershed protection efforts has been compiled at OW Headquarters and has been provided to each Region for review. The Office of Wetlands, Oceans, and Watersheds (OWOW) has also produced fact sheets for specific State watershed protection projects which have been sent to the Regions, as well. Additionally, a few States have developed BMA framework documents that describe in detail how water quality management programs can operate in an integrated and coordinated manner. Regions are encouraged to use all these resources in preparing their assessments, in addition to analyzing any relevant information that may already have been collected in connection with § 303(d) or 305(b) reports on programs such as 303(e), NPDES, Nonpoint Source, Clean Lakes or National Estuary Programs.

1.3 State-Wide Coordination

Successful watershed management efforts depend on coordination of resources among different levels of government and stakeholders. Each Region should know if and how watershed protection efforts are coordinated in their individual States. A key step to building a BMA is development of a basin management framework. Two of the critical

elements under a basin management framework are basin/watershed delineation and establishment of a schedule for periodically evaluating the environmental condition of each basin to determine which management activities will occur in the basin.

Delineation of management units (basins/watersheds) across an entire State provides a geographic basis for focusing and coordinating watershed protection efforts and activities. Establishing a common set of basins that all participants agree to use is a critical step for development of a BMA. Some States have established a "nested" hierarchy of management units that provide various levels of resolution that are fully compatible with one another. For example, SCS 14-digit watersheds nest within USGS hydrologic units, which nest within State river basin units. This nested approach facilitates information exchange across all levels of government, particularly where data are maintained in a geographic information system (GIS) format.

A basin management framework provides the context for coordinating management activities over time. It identifies roles/responsibilities of participating programs, divides an entire State into basins to coordinate management activities, and establishes a schedule for evaluating the environmental condition of each basin. The schedule for review of basins is State-specific, but most States are using a 5-year cycle to coincide with NPDES permitting requirements. Establishing a schedule for regular evaluations of each basin allows the States to reassess needs and balance workloads across programs and over time.

Regions should look for the presence of or potential for these coordinating mechanisms in their assessments for this component. The following informational format is offered to guide review of State-wide coordination efforts for each State:

- A. Identify all departments within the State that oversee components of the water program and the components for which they are responsible.
- B. Is the State implementing, developing, or considering a BMA?
 1. If yes, then:
 - a. Describe what programs and stakeholders are involved and the status of the effort, including when it began, its progress to date, and when the BMA is expected to be completely implemented.
 - b. How has the State defined "watershed protection" and how is this effort coordinated among programs (i.e., determine whether the State's approach includes State-wide coordination of

baseline water management activities or whether efforts are confined to a limited number of "targeted" watersheds)?

- c. Describe any methods that the State uses to prioritize watershed management efforts?
 - d. What potential or existing benefits/incentives have been identified for moving to a BMA?
 - e. What impediments or gaps have been identified that impede or affect, or have the potential to impede or affect, a BMA effort?
- 2. If no, then:
 - a. Does the State use a targeted watershed approach?
 - b. What indications are there that the State is aware of and understands the BMA?
 - c. What, if any, potential barriers have been identified for moving to a BMA?
- C. Describe any Region/State watershed protection partnership that has already been established. Be sure to address the following:
 - 1. Scope of the partnership (e.g., EPA/State roles, program components, purpose, agenda, etc.).
 - 2. Type and breadth of watershed protection training that has been provided to Regional and State staff.
 - 3. Mechanisms that are used for coordination (e.g., MOUs, MOAs, §106 work plans, etc.).
 - 4. Progress and status of any watershed protection efforts.
 - 5. Program gaps or needs that have been identified and whether they are being addressed.
- D. If no Region/State watershed protection partnership currently exists, list any indications of interest or disinterest by the State in a Region/State.

- E. List ways that the State water program is working with other State and Federal authorities (e.g., BLM, USFS, NEPs, SCS, USGS) regarding watershed protection.
- F. Describe the level of coordination that occurs with local planning authorities regarding watershed protection, and include descriptions of mandates or State regulations that make coordination possible.
- G. Describe any efforts in response to environmental assessments that are made to prioritize management needs and resource allocations across multiple programs or agencies.
- H. Describe the current level of coordination regarding grants administration activities for State programs operating under Federal grants. Include a discussion of any State interest in coordinating grants application and reporting.

1.4 NPDES Permits

A State-wide basin management approach provides the mechanism for issuing NPDES permits on a watershed basis. The NPDES Watershed Strategy outlines two methods for issuing NPDES permits on a watershed basis. These methods are 1) development of a basin management plan and synchronization of permit issuance within basins or 2) development of a basin management plan and assuring that permits are issued in accordance with it.

For many States, synchronizing permit issuance within basins will be the first step taken by them to implement their permit programs under a BMA. For States such as North Carolina or Michigan, this entails adjusting permit expiration dates so that facilities in the same general basin or watershed will be re-issued at the same time. The re-issuance date is often strategically set for a few months after a basin management plan has been adopted so that permit conditions can reflect the goals, priorities, and management strategies (e.g. TMDLs) set forth in the plan. In addition, issuing permits in the same geographic area at the same time allows for certain efficiencies such as consolidated public notices and public meetings.

The Regional assessment effort should also evaluate how NPDES permit program resources and level of effort are tied to environmental priorities. For non-authorized States, assessment efforts should focus on existing State/EPA roles and needs or problems that could be addressed through joint WPA efforts. The following informational format is offered to guide review of NPDES permitting activities for each State:

Regions should understand and document the following activities with respect to NPDES permit development:

- A. Identify the agency that oversees permitting activities.
- B. Explain the organization and operation of the State permitting program (NPDES permitting program). Be sure to address the following
 - 1. Central office versus Regional office responsibilities.
 - 2. Methods for conveying receiving water quality information between monitoring and assessment programs and permit writers.
- C. Describe any efforts the State has made to operate its NPDES permit program as part of a watershed protection approach (e.g., synchronizing permits, issuing permits based on basin plans). Also, indicate the type and status of any watershed protection efforts (e.g., State-wide or targeted; implementing, developing, or none) and describe program goals and components.
- D. Is permit reissuance coordinated on a geographic unit basis (i.e., are permits within the same watershed or subbasin handled at the same time)? If yes, then describe the following:
 - 1. Delineation of geographic units.
 - 2. Efforts to consolidate public notices by geographic unit.
 - 3. Efforts to consolidate public meetings/hearings on permits within the same geographic unit.
- E. Explain any efforts to issue permit issuance on a watershed basis other than through synchronization of permits.
- F. Regions should assess the existing program to determine potential areas of improvement or further development. Such an assessment may include the following questions:
 - 1. Does the State know the percentage of discharges to impaired or threatened waters that receive water quality-based limits? If so, what are they?

2. What is the scope of wasteload allocation analyses—which parameters of concern is the State able to cover?
 3. Describe the basis for water quality-based limitations (e.g., does the State use full TMDLs or partial TMDLs, do they mostly rely on desktop/default assumption methods, etc.?).
 4. How does the State use the general permit mechanism to reduce workload? (If the State is developing or implementing watershed protection activities, describe any efforts regarding basin-wide or watershed general permits.)
 5. Determine whether the State assigns priorities for permit issuance and, if so, describe the prioritization criteria.
- G. Examine program operations for potential productivity improvements that could occur through a watershed approach to permitting.
1. What is the current level of permit (majors and minors) backlog for the State? Is there a trend? (i.e., is the backlog increasing or decreasing?)
 2. How automated is the State permitting program (e.g., use of electronic expert systems and relational database software)? Are permits stored in a computer database that allows for quick editing and permit template development? How is information conveyed between field and central offices.

1.5 Monitoring and Assessment

The monitoring and assessment elements of a BMA help to drive the management process by providing the basis for identifying and prioritizing water quality concerns, and evaluating the success of implemented management strategies. Monitoring may cover a number of activities from obtaining water quality-related field data to analyzing samples and placing data into a database (e.g. STORET, local database, etc.). Environmental assessment is the process of determining levels of water quality and ecosystem quality, and includes "use support" determinations, identifying sources and causes of impairment, identifying existing or emerging problems, and preparing reports or lists required by the CWA or other laws and regulations.

The BMA framework provides the mechanism for bringing active management participants together to coordinate instruments such as State-wide strategic monitoring plans and procedures for prioritizing management concerns identified through environmental assessments. Regional assessments should focus on these and other related features. The following informational format is offered to guide review of monitoring and assessment activities for each State:

- A. Explain the State's monitoring coordination and collaboration.
 - 1. Identify the State agencies that oversee water quality and aquatic habitat monitoring and assessment. Indicate which of the agencies have biological monitoring programs. What federal agency information does the State use.
 - 2. Describe the responsibilities of the agencies and programs involved in monitoring and assessment (be sure to distinguish between central office and Regional office roles).
- B. Identify the State's monitoring objectives.
 - 1. Describe any efforts to establish a State-wide monitoring strategy. Determine if the strategy addresses the following:
 - a. status and trends,
 - b. existing and emerging problem identification,
 - c. design of management and regulatory programs (e.g., 305(b) reports, 303(d) lists, TMDLs, NPDES programs),
 - d. evaluation of program effectiveness, and
 - e. emergency response.
 - 2. What is the level of effort being devoted to monitoring and assessment activities by the various State agencies (FTEs, funding, other). What is the level of effort specifically identified for biological monitoring?

C. Review the State monitoring design program

1. Explain whether monitoring is coordinated around a watershed approach (e.g., sequenced by basin, targeted in selected priority watersheds).
2. Is there coordination/integration of monitoring data from various permittees in a watershed?
3. Is there coordination of application requirements from various permittees in a watershed?
4. Explain how data are collected (e.g., fixed stations, specific sites that change with needs, combinations).
 - a. How are sample sites picked?
 - b. How frequently is the sampling plan updated to reflect changing needs and priorities?
5. Identify and describe the data components of the State ambient and compliance monitoring program (e.g. physical and chemical, biological, habitat); also, identify the program responsible for the data (e.g. point source effluent, nonpoint source, storm water, etc).
6. Do the various State monitoring programs have consistent quality assurance requirements? If they differ, provide examples of how they differ.
7. Is there coordination/integration of ambient monitoring data from various permittees in a watershed?
8. Describe the coverage of the State agency monitoring programs, in terms of the percentages of State waters that are monitored each year, the scope of parameter coverage, and the frequency of sampling (e.g. the State is able to monitor 25% of its surface waters for standard physical/chemical parameters on a quarterly basis; heavy metals are sampled in 15% of State waters and 5% of sediments annually).
9. How is monitoring data from the various State programs integrated into the Water Quality Standards process?

- D. Describe monitoring program implementation.
1. In each agency, who actually performs the monitoring (e.g. staff personnel, other State and Federal agencies, volunteer groups, NPDES dischargers, contractors, consortia)?
 2. Does the State have its own laboratory?
 3. To what extent do State agencies use comparable monitoring protocols? If not, how do they differ?
 4. Describe State biological monitoring programs. Include information on:
 - a. the biological data components that are collected;
 - b. how the State assesses physical habitat;
 - c. the kinds of metrics the State uses;
 - d. whether ecoregions are a part of the State biological monitoring programs;
 - e. if NPDES dischargers collect biological data; and
 - f. the status of the biocriteria/biological water quality standards development program.
- E. Identify and describe types of assessment tools and techniques used by the State (e.g., statistical techniques, models, GIS).
- F. Discuss the evaluation of monitoring programs.
1. Does the State evaluate its monitoring program periodically and change it if necessary? When was it last evaluated?
 2. How is data on monitoring integrated into the States water quality standards process?
 3. Will the NPDES Watershed Strategy cause a change in monitoring?

- G. Describe monitoring program reports and communication efforts.
1. Describe the current State monitoring reports, their scales (e.g. watershed, ecoregion, basin, State) and their target audiences (e.g. public, managers, legislature).
 2. What is the status of State information management capabilities to support comprehensive assessments?
 - a. Does the State have its own database and/or does it use Federal databases? If Federal databases are used, please list them.
 - b. Does the State use GIS for water assessments?
 3. Identify documents that describe State monitoring strategies.
 4. Identify documents that describe State agency biological monitoring strategies.

1.6 Programmatic Measures and Environmental Indicators

Progress in watershed protection requires the use of measures that indicate if program efforts have been successful. *Programmatic measures* reflect administrative performance (e.g., number of permits issued in accordance with a basin management plan, percentage of impaired waters covered by TMDLs), whereas *environmental indicators* reflect performance in the ecosystem (e.g., change in chemical concentrations in sediments and water column; percent aquatic habitat area restored). A balance between the use of both types of performance measures is recommended.

Measures and indicators need to reflect specific criteria for success (e.g., a 40 percent reduction in phosphorus loading) and should be defined prior to implementation of management plans to ensure a performance evaluation capability. Measures of success provide important feedback to the public and stakeholders on progress made within a basin/watershed, which may be needed to justify expenditure of public resources and/or to shape future efforts.

The following informational format is offered to guide review of programmatic measures and environmental indicators for each State.

- A. Identify the agency(ies) responsible for measuring water program implementation and success and distinguish between their areas of responsibility.
- B. How is the State currently measuring program implementation and success?
 - 1. What specific measures are used (e.g., percentage of impaired or threatened waters, net wetlands/habitat gain or loss, biological indices, pollutant loading changes, percentage of impaired waters covered by TMDLs, permit backlog)?
 - 2. Determine which efforts are coordinated within a State's watershed protection activities.
 - 3. How are performance measurement data managed (e.g., computerized database, published reports, internal memos)?
- C. What level of effort is devoted to measuring program implementation and success (e.g., FTEs, funding, other)?

1.7 Public Participation

Active public participation is an important aspect of basin management. The BMA can be used to raise public awareness of water quality management issues and establish a basis for public support. Public "buy-in" to basin or watershed management strategies often depends on whether the public understands and supports the goals of the BMA and the methods used to implement it. Providing opportunities for the public to participate in goal development, priority setting, strategy development, implementation, and performance measurement can be the key to maintaining long-term public support for the BMA.

Traditional public participation in the NPDES program has involved public review and comment on point source permitting decisions. Basin management offers opportunities to expand on this tradition by utilizing it in the context of basin or watershed plans. For example, meetings could be held in strategic locations to discuss NPDES permit requirements for a particular watershed in the context of basin water quality assessments, priorities, and management plans. In addition to basin meetings, some States are looking to form citizen or stakeholder watershed advisory groups that will help the State set water quality goals and priorities for management activities in a given basin or watershed. Volunteer monitoring programs are another way that the public can become involved, and the BMA often provides the State with a better mechanism for advising and coordinating with such efforts.

Regions should assess whether each State has an approach to promote public awareness of watershed protection related issues and what opportunities are provided for public participation. The following informational format is offered to guide review of public participation mechanisms for each State:

- A. Identify the agency(ies) responsible for existing public participation activities in the water program, and describe their respective roles(i.e NPDES program, WQ standards program, TMDLs program, Nonpoint Source program).
- B. What unique opportunities are made available by the State for public participation in the permitting and watershed management process (e.g., special meetings, hearings, festivals, seminars, workshops, citizen advisory committees, citizen monitoring)? Explain how these methods promote public involvement.
- C. Determine whether any public participation activities are coordinated based on watershed protection efforts? If yes, how are the activities coordinated?
- D. Describe whether State rules or administrative codes regulate, impact, or facilitate the public participation process and how they do so.
- E. What level of effort is devoted to providing public participation opportunities (e.g., FTEs, funding, other)?

1.8 Enforcement

Watershed management efforts attempt to address all significant sources and causes of problems regardless of administrative designations (e.g., "major" and "minor" NPDES permit distinctions). Enforcement activities can be tied to watershed management by using CWA §308 authorities, compliance inspections, and other means to support watershed assessment, planning, restoration, and pollution prevention activities. Use of the national Permit Compliance System (PCS) can provide critical information on historical pollutant loading rates as well as compliance for tracked facilities in priority waterbodies. In addition, inspections done on a watershed basis can be coordinated to identify key sources for follow-up enforcement (e.g., POTWs, industries, animal operations, forestry operations).

Regions should assess a State's capabilities to identify certain compliance and enforcement activities according to watershed priorities. For non-authorized States, assessment efforts should focus on existing State/EPA roles and needs that could be addressed through joint watershed protection efforts. The following informational format is offered to guide review of watershed-related enforcement mechanisms for each State:

- A. Identify the agency(ies) responsible for compliance and enforcement activities.
- B. Describe program roles and organization. Distinguish between central office and field or district office responsibilities, if appropriate.
- C. Provide an explanation of any enforcement activities that are coordinated with watershed protection efforts. Be sure to address the following:
 - 1. How §308 authorities are used to support watershed assessment, planning, restoration, and pollution prevention activities.
 - 2. Whether minor discharges in priority watersheds are targeted for enforcement.
 - 3. Methods for prioritizing compliance inspection activities according to watershed management priorities.

1.9 Assessment of Individual Components

Based on the information gathered above for each component, describe the current approach for that component; identify specific activities that could be enhanced for future efforts; identify State needs for the individual component; identify existing and potential impediments to basin management development, implementation, or enhancement for each individual component.

1.10 Miscellaneous Information on State WPA Activities

Note any additional observations that may fall outside of listed components.

1.11 Identified Needs, Issues, and Impediments

After completing the assessment of watershed protection activities in each of their States, the Region will need to focus on next steps for supporting and facilitating movement of their States toward development and implementation of a basin management approach. Before a Regional action plan can be developed from information in the State assessment, there are some initial steps the Region must take. The Region should compile a list of watershed protection needs, issues and impediments for the individual components into an overall description for that State. Items in this overall description should then be analyzed

to determine the order in which they will be addressed in the Regional Action plan. Example criteria for assigning the order for action items include:

- *Timing:* Issues which must be resolved before a BMA can be developed or implemented should be given higher priority. In some cases, it will be clear that one issue must be resolved before another can be addressed (e.g., basins must be delineated before they can become part of a basin management schedule).
- *Level of Importance:* Some issues will need to be addressed (in Regional action plan) to build fundamental components of a BMA. Also, areas where efforts will address significant problems or needs under current management methods may be viewed as priorities.
- *Resource Availability:* Opportunities may be available to utilize specific resources for specific projects related to BMA development, and the Region may want to take advantage of those opportunities.

The identified description of needs, issues, and impediments will form the basis for action plan development, which is covered in Section 2 of this guidance.

2.0 Developing Regional Action Plans

2.1 Objectives

Each Region is responsible for preparing action plans that identify anticipated Regional activities to support and facilitate each State in moving toward basin management. A separate plan should be developed for each State and tailored to that State's unique needs, institutional infrastructure, and current program status.

An action plan should generally contain the following components:

- A summary of the State program assessment, which indicates the basis for the selection of specific action items.
- A description of the specific actions to be taken by the Region to support and facilitate the State's basin management efforts, including the methods by which the actions will be implemented and evaluated.

- A timeline for implementation of action items, including quarterly milestones for FY95 together with objectives for FY96 and beyond, if possible.
- A description of how the Regional State-specific action plan fits within the internal Regional watershed protection strategy.

2.2 Methodology

2.2.1 Using State Program Assessments to Get Started

Development of Regional action plans can begin with a review of key findings from the assessment of each State's current watershed protection activities (described in Section 1). The State assessments should provide an accurate understanding of the status of the State's watershed protection efforts, the State's needs, and any potential impediments to a basin management approach. This section provides guidance on how to translate State assessments into State-specific Regional action plans.

The guidance is based upon classifying each State into one of the following three categories: States currently without a BMA, States developing a BMA, and States implementing a BMA. These categories are not meant to "pigeon-hole" each State; they are merely a device to help Regions begin development of action plans.

States currently without a BMA are those States that have not developed or implemented a BMA. This category also includes States which may target or implement partial watershed protection efforts, which focuses on a few priority watersheds/basins.

States developing a BMA are States that have initiated the development of a BMA framework. Under a State-wide management framework, for example, the State has begun to: identify the roles and responsibilities of participating programs; identify long-term programmatic and environmental goals as well as key interim milestones; divide the entire state into basins; and establish a methodology for issuing NPDES permits in each basin.

States implementing a BMA have developed a management framework, and have begun to operate under that structure. For example, the State may be implementing certain program activities in individual basins such as development of a monitoring strategy, development of phased TMDLs, issuing permits and developing nonpoint source controls.

2.2.2 Choosing Action Items for Specific States

The State program assessment summary can be used in conjunction with the recommendations in Appendix A (Suggested Regional Action Items) to help guide the

selection of action items for each State. This is demonstrated below through examples categorized by a State's watershed protection status.

States Currently Without a BMA

If the assessment results indicate that a State does not currently have a BMA but is very interested in learning more about the approach and its potential benefits, the Region might first choose to focus on some of the educational and trouble-shooting actions listed in Appendix A under the *States Currently Without a BMA* category for the various watershed protection components. Potential actions might include:

- Conducting educational workshops and providing for transfer of information on watershed protection for State program staff as well as other interested stakeholders.
- Working with the State to identify and describe areas in which program coordination could enhance water quality management.
- Helping the State formulate goals and a strategy for moving toward basin management.
- Assisting the State in identifying and resolving potential impediments to developing and implementing basin management.

Additional actions could include addressing barriers that might affect start-up and progress. Examples include:

- Reduction in the "overhead" burden for grants administration by helping coordinate and streamline State grant application and reporting requirements.
- Assistance in pursuing additional financial or technical support.

Furthermore, for States that are able to quickly pursue development of a BMA, first year Regional actions could include:

- Technical assistance for the development of a BMA framework document that describes the approach and provides a long-term reference for all participating programs, agencies, and the general public.
- Assistance to the State in the delineation of geographic management units.

- Assistance developing a methodology for issuing NPDES permits that are consistent with a basin management plan; options include 1) synchronizing permit issuance within an overall basin management activity, or 2) assure that permits are issued in accordance with a basin management plan.

On the other hand, for States where impediments are preventing action, the Region may choose to place more emphasis on other tasks. For example, the Region could focus on identifying impediments, communicating the potential benefits of watershed protection (particularly where it appears that State program needs can be addressed through watershed protection efforts), providing general education on the watershed protection to a broad spectrum of State staff and stakeholders, and providing technical assistance. These activities would increase the knowledge of stakeholders and may stimulate movement toward basin management.

States Developing a BMA

If a State is already developing a BMA, the Region should review the State assessment to determine whether the direction of the State's approach addresses CWA goals and the individual needs of the State. If the State's approach appears to be overlooking important needs, or if progress appears to be slow, the Region might consider variations of the actions listed above for *States Currently Without a BMA*. For example, the Region could offer educational workshops to review the full range of benefits of watershed protection. In addition, the Region could explore any impediments that could be removed to expedite the process. A strategy could be developed to address those gaps and needs within the State's BMA development effort.

If the BMA is progressing well in the State, the Region could provide support to compliment the State's efforts. For example:

- Provide a forum for the State to share information on the development and implementation of basin management (e.g., newsletter, conference calls, conferences).
- Assist the State with the identification and recruitment of other Federal and State agencies to serve as partners for the BMA.
- Assist the State with the development of agreements/memoranda of understandings with other Federal and State agencies for the purpose of supporting the State's BMA.

If the State does not have a written framework document for its approach, the Region may be able to support this effort. Also, the Region may be able to assist in tailoring the State's

approach to address the problem areas noted in the assessment. For example, if a permit backlog exists, the following potential actions could be reviewed for their appropriateness:

- Assist the State with identification of the number and types of dischargers by basin or watershed.
- Assist the State in sequencing basins/watersheds to coordinate permit reissuance, ensuring that for any given year the permit workload is evenly distributed.
- Help the State resolve scheduling issues associated with synchronizing permit reissuance with the basin/watershed sequence schedule.
- Assist the State in developing a strategy to issue permits consistent with State basin/watershed management plans.
- Provide guidance on modifying individual permits (e.g., short-term permits, administrative extensions, expedited renewal procedures, basin general permits) to make the transition to a basin/watershed permitting schedule.
- Provide technical assistance to the State for evaluating and assigning priorities to permits within a basin/watershed. These procedures will help determine the appropriate level of effort and scrutiny that should be devoted to each permit.

There are many other options listed in Appendix A that address other components and issues. Each Region should feel free to choose the combination of actions, including alternatives to those listed in Appendix A, that is best suited to the specific State and which compliments or facilitates that State's watershed protection efforts.

States Implementing a BMA

States that are already implementing a basin management approach will be well ahead of those States that have not developed or are just initiating basin management efforts. However, there may still be opportunities for EPA to support the State's efforts. The State may be quite aware at this point in the process of significant gaps or needs that EPA could help address. The Region should review its assessment for needs that have already been identified, and select actions that will address those needs.

In addition, the Region could modify its operating procedures to compliment the State approach. The Region could:

- Conduct reviews of the State programs in a manner that is consistent with the scope and schedule of the State's programs and basin/watershed plans.
- Develop plans to reduce the "overhead" burden to the State in administering grants.
- Negotiate a consolidated reporting format for the State to satisfy CWA reporting requirements.
- Evaluate State basin/watershed plans in a manner that is consistent with the State framework while ensuring that the plans support the goals and objectives of the CWA.
- Develop an assessment approach for Regional oversight that is geographically targeted to measure the success of watershed protection activities and provide information to the decision makers when updating basin plans.
- Consider developing a new inspection type which evaluates ambient environmental quality in a given watershed.

Regions may also be in a position to facilitate enhancement of State program methods and tools to implement basin management. For example, the Region could:

- Arrange for technical assistance through the Regional Environmental Support Division, EPA's Environmental Research Laboratories and the Environmental Monitoring and Assessment Program (EMAP) to develop improved environmental indicators and monitoring strategies.
- Support the development of an automated permitting system.
- Assist with the development of innovative permits that use the full potential of basin management (e.g., pollutant trading, innovative monitoring requirements, basin-wide general permits).

2.2.3 Timelines for Implementation of Action Items

Each action plan should state the time frame for implementation of each of the Regional action items. While FY95 actions should be clearly indicated, Regions can show longer-term plans, particularly where they compliment long-term BMA development strategies

established by the State. Showing long-term plans will be helpful where multi-year efforts are necessary to reach ultimate goals for the State.

Timelines will likely vary from State to State to account for different circumstances such as watershed protection status, needs, State infrastructure, etc. Schedules may specify particular dates or may be dependent on successful completion of previous steps. For example, a plan may indicate that step two is to begin within 60 days of completion of step one, etc. At a minimum, however, each action plan should establish quarterly milestones for FY95.

2.2.4 Implementation Methods, Tracking, and Evaluation

Each Region should describe the methods by which action items will be implemented. Descriptions should include details on how Regional staff and resources will be deployed, how implementation will be tracked, and how efforts will be evaluated. Evaluation methods should provide for incorporation of feedback with action plan updates as deemed necessary by the Region.

2.2.5 Action Plans and Internal Regional WPA Strategies

Regions are encouraged to evaluate the relationship between the State-specific action plan and the overall internal Regional watershed protection strategy. For instance, the action plan could describe whether its implementation will rely on certain Regional operating procedures.

Appendix A (Suggested Regional Action Items) to Regional Guidance Document

Regional action plans for facilitating State watershed protection approach (WPA) development must be based on State program assessments. A separate Regional action plan should be tailored for each State based on the State's status and needs to support progress in each of the six Strategy component areas.

The recommended action items listed below are specific tasks that can be included in a Regional plan. Regions should carefully consider each of these recommendations and choose those that are most appropriate for a given State or develop others based on the results of their State assessments. This State-specific approach will lead to a more rapid and effective implementation of the Watershed Protection Approach.

The list of recommended Regional action items is organized according to NPDES Watershed Strategy components, with the addition of a Funding Administration section. Within each component area, these recommendations are grouped into three categories which describe the status of State watershed programs: (1) States Without a State-wide Watershed Protection Approach; (2) States Developing a State-wide Watershed Protection Approach; and (3) States Implementing a State-wide Watershed Protection Approach. Action items that are listed in an earlier status category may be appropriate actions for States with more developed State-wide WPAs, as well.

State-wide Coordination

States Without a State-wide WPA:

- Conduct educational workshops for States as well as other stakeholders using information from other States that have developed and are implementing watershed protection approaches.
- Meet with the State to identify impediments to implementing a WPA.
- Identify and describe the areas in which program coordination will enhance water quality management activities (e.g., development of TMDLs, NPDES permit issuance efficiency).

States Developing a State-wide WPA.

- Provide a forum to States to share information on the development and implementation of a WPA (e.g., newsletter, conference calls, conferences).
- Work with States to delineate basin boundaries and establish inter-basin priorities, ensuring that wellhead protection and existing Comprehensive State Ground Water Protection Program (CSGWPPs) priorities are considered in the decision making process. Where appropriate, utilize existing analysis reflected in the 319, 303(d), 303(e), Clean Lakes, NEP, and NPDES programs.
- Assist States with the identification of stakeholders in basins (NEPs may be of assistance in coastal areas).
- Assist States with the development of agreements/memoranda of understandings with other Federal and State agencies for the purpose of supporting the State's watershed protection approach.
- Provide technical assistance for the development of a State-wide watershed protection approach framework document; such a document includes a program description for all participating programs, agencies, and the general public.
- Assist States with the identification and recruitment of other agencies to serve as partners for the State-wide basin management framework.
- Identify the mechanisms developed to implement the State WPA (e.g., policies, regulations).
- Describe the process for involving Federal agencies, Indian tribes, and local governments.

States Implementing a State-wide WPA:

- Conduct reviews of State programs which take into account the scope and schedule of State's programs and basin plans to the extent possible.

NPDES Permits

States Without a State-wide WPA:

- Work with States to identify the number and types of dischargers in each basin.
- Work with States to sequence basins, ensuring that the permit workload is evenly distributed in any given year.
- Work with States on scheduling issues associated with synchronizing permits by basin, or on issues associated with permit issuance under the basin management plan.
- Provide guidance on mechanisms and approaches for modifying individual permits (e.g., short-term permits, administrative extensions, expedited renewal procedures, basin general permits).

States Developing a State-wide WPA:

- Assist States in developing a strategy that defines the criteria and approach for issuing permits consistent with the basin plan.
- Provide technical assistance to States for evaluating and assigning priorities to permits within a basin. These procedures will help determine the appropriate level of effort and scrutiny that should be devoted to each permit.
- Support States in assuring that Best Management Practices (BMP) established in NPDES permits are designed to prevent contamination of the State's priority ground water.

States Implementing a State-wide WPA:

- Support the development of automated permitting systems.
- Assist with the development of innovative permits that use the full potential of the basin-wide approach (e.g., trading, monitoring, pollution prevention and conservation, basin-wide general permits).
- Expand public notification to include information on permits in the basin plan.

Monitoring and Assessment

States Without a State-wide WPA:

- Help to develop a State-wide monitoring strategy involving State resources, discharger monitoring consortiums, and other Federal agencies. Assist with negotiations for shared monitoring resources.
- Assist with the development of assessment methods (consider biological and ecological criteria) and record keeping for targeting and ranking water quality problems. When assessing the status of a watershed, surface water, ground water, coastal waters, wetlands, sediments, and habitat are all factors that should be considered. The assessment of the watershed should determine if the waters are meeting their designated use, and also provide information on critical areas, endangered species habitats, and areas needing special protection.
- Identify how NPDES ambient monitoring can be incorporated with other monitoring efforts.

States Developing a State-wide WPA:

- Permits will contain ambient monitoring requirements as appropriate to support the basin monitoring plan.
- Support upgrades of information management systems, especially the use of geographic information analysis systems which facilitate analysis and display of environmental information in a geographic format.
- Help to refine and consolidate the monitoring objectives and reports of the CWA programs requiring monitoring resources (e.g., 305(b), 303 (e), CSGWPPs) to promote the targeting and ranking objectives of the watershed approach.
- Work with States to develop a State monitoring strategy that allows regions to fulfill cross program requirements through a single integrated monitoring system (e.g., stormwater, 319, TMDL, drinking water.)

States Implementing a State-wide WPA:

- Provide technical assistance to develop improved environmental indicators and monitoring strategies.

- Provide support for the development of a citizen/volunteer monitoring program
- Participate in basin water quality assessments and contribute to targeting and ranking of environmental issues.
- Design pollution prevention and restoration programs relying, where appropriate, on total maximum daily loads or permits to address impaired ecosystems. Design monitoring programs to gather additional data to allow program and project design.

Program Measures and Environmental Indicators

States Without a State-wide WPA:

- Identify areas of flexibility with existing program measures.

States Developing a State-wide WPA:

- Negotiate a consolidated reporting format for the State to satisfy CWA reporting requirements.
- Establish tracking measures to monitor implementation schedule for various components of the Watershed Protection Approach including: delineation and sequencing of basins, rescheduling of NPDES permits, development of a State-wide framework document.
- Establish key environmental indicators that will be used by State to measure progress toward achievement of both CWA and local goals and environmental objectives.

States Implementing a State-wide WPA:

- Evaluate State basin plans in a manner that is consistent with each State's watershed framework and also ensure that the plans support the goals and objectives of the CWA.
- Develop a strategy to use basin plans to implement phased TMDLs in all States.
- Develop an assessment approach for regional oversight that is geographically targeted which measures the success of watershed protection activities and provides information to the decision makers when updating basin plans.
- Encourage the development of innovative environmental indicators for each basin.

Public Participation

States Without a State-wide WPA:

- Identify and develop more efficient means of notifying the public.

States Developing a State-wide WPA:

- Promote outreach to educate the public about the NPDES program and the components of the WPA. Provide training on the inter-relationship between habitat protection, ground water contamination, drinking water source protection, nonpoint source impairment, and the point source program.
- Work with the State to establish a forum in which the public can help to identify water quality problems and establish goals for the preservation of high quality waters.

States Implementing a State-wide WPA:

- Encourage State linkages with local land use planning authorities to facilitate the use of water quality information in the planning process (e.g. EPA Region IX North Bay Initiative).
- Ensure that basin plans are written as educational documents that can be read by the lay public and which promote environmental stewardship in the basin.
- Target water quality standards hearings to watersheds.

Enforcement

States Without a State-wide WPA:

- To supplement the current information on major facilities, conduct an inventory of each priority watershed, as necessary, using traditional enforcement authorities (e.g. 308 letters or inspections) to identify minor facilities which will be required to have a permit.

States Developing a State-wide WPA.

- Use enforcement to correct violations at facilities which are causing the greatest degradation of a basin.
- Assist State in developing a State inspection strategy to support WPA. The Regions and States should develop criteria to evaluate which facilities should be inspected in a given year.

States Implementing a State-wide WPA:

- For majors and minors in priority watersheds, focus attention during report reviews and compliance screening on the completeness of the ambient quality information submitted by the permittee, as required by the permit.
- Use PCS to track loadings of pollutants in priority watersheds.

Funding Administration

States Without a State-wide WPA:

- Conduct an assessment of the funding sources. Develop plans to reduce the "overhead" burden to States in administering grants.

States Developing a State-wide WPA:

- Utilize flexible authorities to support the WPA.

States Implementing a State-wide WPA:

- Determine if basin ranking and priority setting criteria are effectively administered and allow for focusing the appropriate level of program resources to remediate the highest risk environmental problems.

ATTACHMENT B

Region 10 Assessment of Watershed Protection Activities in Idaho

Amended April 26, 1994

INTRODUCTION

EPA Region 10 completed an assessment of existing watershed protection activities in the State of Idaho. The purpose of the assessment was to establish a strong foundation for developing a Region 10 action plan to efficiently and effectively support Idaho's development and implementation of a State-wide watershed protection approach (WPA). The Region has entered into a memorandum of understanding (MOU) with the Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ) to indicate their mutual intent to develop a State-wide WPA. Idaho is a non-authorized State and, therefore, cooperation between Region 10 and DEQ is essential for integration of program components such as NPDES permitting and enforcement.

The Region's decision to perform the assessment coincided with EPA Office of Water's distribution of draft guidance supporting implementation of the NPDES Watershed Strategy. The Wastewater Management and Enforcement Branch of Region 10 was already planning a workshop to begin addressing a few issues regarding Idaho's proposed WPA. The purpose of the workshop was expanded to incorporate a trial application of the draft guidance on performing State assessments and developing Regional action plans. Use of the guidance effectively increased the scope of the Region's review and provided a mechanism for coordinating their review and planning process.

A workshop was held on March 21-23, 1994. A total of sixteen Region 10 staff participated in one or more aspects of the workshop, including representatives from the Wastewater Management and Enforcement Branch, Surface Water Branch(SWB)/Water Quality Section, SWB/Watershed Section, Environmental Sciences Division/Water Monitoring, Planning and Outreach, and the Ground Water/Drinking Water program. The assessment was largely completed on the afternoon of the first day by dividing the participants into two groups; one group assessed the NPDES Permitting, Monitoring and Environmental Assessment, and Enforcement components, while the other assessed the State-wide Coordination, Program Measures and Environmental Indicators, and Public Participation components. A conference call with representatives from Idaho DEQ was used to fill information gaps early on the second day of the workshop. The Region had prioritized the issues and needs revealed through the assessment by the middle of the second day, and the remainder of that day and the next morning were spent developing a preliminary action plan.

The following sections document the results of the assessment. Some areas of the assessment responses are limited due to the dynamic status of the Idaho WPA initiative (i.e., the approach is still being defined), and the short notice prior to the workshop which limited the number of staff that were able to attend. The Region did, however, successfully use the assessment to identify issues, needs, and impediments that can be addressed through a Regional action plan to support WPA development for the State of Idaho.

Assessment Results

I. STATE-WIDE COORDINATION.

A. Identify all departments within the State that oversee components of the water program.

The Idaho Department of Environmental Quality oversees most aspects of the water quality program. However, there are other agencies with water related programs and many other natural resource agencies participating in the Idaho WPA. The draft Watershed Approach Framework Document (DEQ, March 1994) identifies eighty related natural resource agencies at the Federal, State, Interstate/International, and local level.

B. Is the State implementing, developing, or considering a State-wide WPA?

Yes

1. If yes, then:

- a. Describe the status of the effort, including when it began, its progress to date, and when the WPA is expected to be completely implemented.

Idaho DEQ has had individual watershed initiatives for several years. DEQ has been working on a comprehensive WPA for approximately a year. Idaho DEQ has produced a discussion draft of its Watershed Approach Framework Document. The draft framework is currently being reviewed internally within DEQ and by some of the participating agencies. The review comments will be considered and a final framework document should be completed by June 1994.

A schedule or sequence for producing watershed/basin plans has not been determined. However, DEQ is developing plans for approximately five watersheds. These watersheds were selected because DEQ was already conducting watershed scale projects at these locations. It is not clear how or whether DEQ Regional offices will determine a sequence for development of watershed plans. The DEQ Regional offices have not considered a five-year cycle as a component of their watershed approach. Their current understanding is that the watershed plans are a one time assessment. The sequencing and basin cycle component of the Idaho WPA framework has not been defined in their framework document. Therefore, is not clear that DEQ is proposing a comprehensive long-term management framework as part of its WPA. Many of the undefined elements of the DEQ WPA (including scheduling and sequencing) will be determined at watershed convening workshops.

- b. **How has the State defined "WPA" (i.e., discuss whether the State's interpretation includes State-wide coordination of baseline water management activities or whether efforts are confined to a limited number of "targeted" watersheds)?**

The Idaho DEQ watershed approach is a comprehensive natural resource management program that divides the watershed planning process into four phases: preliminary, planning, implementation, and evaluation. The State is divided into six Regions (roughly along basin lines), and the Regions will have oversight of watershed protection activities for their jurisdictions. The proposed DEQ WPA framework requires close coordination and integration of water quality program activities through geographic targeting. However, it is unclear how this objective will be achieved without a comprehensive schedule for sequencing basins and watersheds. All basins and watersheds will be evaluated. However, a basin cycle has not been defined and it is unclear whether the proposed approach is an iterative long-term management framework. State and Federal agencies/programs will be coordinated through a memorandum of understanding which defines a general commitment to the approach.

- c. **What are the main goals and program components of the State's WPA (e.g., include a description of any methods that are used to assign priorities to management efforts)?**

Idaho's main goals are as follows (from March 1994 draft framework document):

- Convert from many specific programs to comprehensive problem solving;
- Fully implement an integrated approach to ground and surface water quality assessment and management through regulation and physical, chemical, biological, and habitat monitoring, that provides a sound scientific basis for problem solving;
- Improve efficiency and effectiveness in use of resources and improve consistency in decision-making through coordination of activities with others;
- Encourage local public involvement in identifying and prioritizing watersheds, and obtaining input in the goal setting and decision-making processes to address point and nonpoint source pollution concerns;
- Develop comprehensive watershed management plans that effectively communicate to the public and policy makers the rationale, approach and long-term strategies for water quality problem solving, and pollution prevention; and

- Consolidate various State and Federal assessment and reporting requirements into a single watershed management plan to improve efficiency in resource utilization.

The baseline water program components within DEQ will be incorporated into the watershed approach. These components include: monitoring, standards, assessment, permitting (non-discharge), ground water, drinking water, etc..... However, the recruitment of water program components from other agencies has only recently been initiated. It is not clear how many of the program components will be actively involved and coordinated. Those water program and other resource management components being recruited include: fish and wildlife, water resources, agriculture, forest practices, mining. In addition many of the program components within DEQ can be complemented and enhanced.

Public involvement and empowerment is a key goal of the Idaho WPA initiative. DEQ believes that incorporating the public into a stewardship role for the State's water resources will create grassroots support for their program. DEQ's goal is to translate this public support into an increase in the commitment of resources from the legislature for implementation of watershed plans.

The Citizens Watershed Taskforces (CWTFs) will play a significant role in advising Regional Administrators for watershed planning within the Regions.

d. What potential benefits/incentives have been identified for moving to a WPA?

Idaho wants to create a single mechanism to bring all affected parties together and develop integrated solutions to water quality problems, particularly those involved in nonpoint source pollution control. Their rationale for the watershed approach is described in terms of the three "E's": Efficiency in conducting programs, Effectiveness in solving problems, and Empowerment of local interests.

e. What impediments or gaps have been identified that might impede or affect WPA efforts?

- No coordination plan exists for Region 10 NPDES permitting activities and DEQ watershed planning activities. Without coordination of these activities, comprehensive assessment of loadings will be inhibited and coordination of control strategies will be limited.
- The Federal grant process including application, accounting, and reporting requirements will need to be revised to be consistent with DEQ's watershed management approach.
- Federal reporting and listing requirements may impede use of watershed plans to fulfill Federal mandates.

- There is no strategic Monitoring Plan to define an ambient network and address special (watershed) study needs that could be addressed through coordinated efforts.
- It will be difficult to manage or plan for workload requirements without a basin management cycle or defined sequence for watersheds.
- The lack of a data management system, including hardware, software, or QA procedures restricts the use of environmental information in conducting assessments and setting priorities.
- The draft Idaho WPA document does not define a coordination role for DEQ's central office in Boise. It is not clear how issues of consistency and resource allocation across Regions will be handled.

C. Describe any Region/State WPA partnership that has already been established. Be sure to address the following:

- 1. Scope of the relationship (e.g., EPA/State roles, program components, purpose, agenda, etc.).**

Region 10 is the NPDES permitting authority for Idaho. In addition Region 10 and Idaho DEQ have signed a memorandum of understanding (Attachment 1) forming a partnership for development and implementation of a WPA for Idaho. The role of Region 10's NPDES permitting team within the Idaho WPA has not been defined.

- 2. Type and breadth of WPA training that has been provided to Regional and State staff.**

Region 10 has provided contractor assistance to conduct WPA educational workshops (2 for DEQ and 2 for Region 10 staff) and facilitation of consensus positions between Idaho DEQ and Region 10.

- 3. Mechanisms that are used to administer coordination efforts (e.g., explain how MOUs, MOAs, §106 work plans, or other mechanisms are used).**

A memorandum of understanding was entered into by Idaho DEQ and Region 10 (see item C.1 above).

- 4. Progress and status of WPA efforts.**

Idaho DEQ has produced a preliminary draft WPA framework document that is currently being reviewed within DEQ and EPA Region 10. Region 10 is currently developing the NPDES component of the WPA for inclusion in the Idaho WPA framework. Region 10 and DEQ are working to strengthen the WPA partnership.

Region 10 has established a work group to develop a grant process that is more consistent and supportive of the WPA. Region 10 has appointed staff to coordinate the WPA partnership and framework development process (i.e., Paula vanHaagen). Idaho DEQ has five watershed scale projects that will be the first five in the sequence of watersheds State-wide.

5. Program gaps or needs that have been identified and whether they are being addressed.

Impediments and gaps were identified in B.1.e. above. Limited discussion has occurred to date between Idaho and Region 10 regarding needs stemming from these issues.

E. List ways that the State water program is working with other State and Federal authorities (e.g., BLM, USFS, NEPs, SCS, USGS) regarding watershed protection.

The draft DEQ WPA framework document lists several agencies that will have a role. However, DEQ has not contacted these agencies to define a specific commitment or role in the WPA. DEQ will be contacting Federal agencies and tribes following the internal review of the draft framework document. In the current framework document any of a number of listed agencies could take the lead coordinating and planning role in a particular basin. The lead role will be assigned as a function of the watershed convening workshops and will be contingent on citizen objectives, land ownership, and the problems and concerns identified for the watershed.

F. Describe the level of coordination that occurs with local planning authorities regarding watershed protection, and include descriptions of mandates or State regulations that make coordination possible.

Local planning authorities will be encouraged to participate on agency planning teams that will support the WAGs. Agency planning teams will remain in place throughout the planning and implementation phases to provide technical assistance and to help ensure that watershed plan implementation occurs on schedule.

G. Describe any efforts that are made to assign priorities to management needs and resource allocations across multiple programs or agencies based on environmental assessments.

Specific procedures or criteria for assigning priorities have not been clearly established. The approach described in the draft framework document seems to rely on citizen advisory groups almost exclusively to set priorities. The framework document does not include any specific procedures or criteria for sequencing or priority setting criteria. There are concerns that the current approach will aggravate resource and

workload planning problems. It is not clear how environmental information will be used by the CWTF to set priorities.

- H. **Describe the current level of coordination regarding grants administration activities for State programs operating under Federal grants. Include a discussion of any State interest in coordinating grants application and reporting.**

Region 10 will be addressing this issue in the near future. Currently the Region has a mandate to be as flexible as possible in issuing grants in a manner that is supportive and consistent of State work plans that have a WPA component.

Regional Assessment for State-wide Coordination Component

Points to Build-On

- Idaho DEQ is actively developing a State-wide framework to coordinate water quality management agencies at the Federal, State, and local level.
- An MOU exists between Region 10 and Idaho DEQ that lays the foundation for a WPA partnership.

Issues

- It will be difficult to manage or plan for workload requirements without a basin management cycle or defined sequence for watersheds. Many of the benefits associated with State-wide basin management may be lost without a stronger coordinating mechanism and schedule.
- The draft Idaho WPA document does not define a coordination role for DEQ's central office in Boise. It is not clear how issues of consistency and resource allocation across Regions will be handled. Other stakeholders need to know what DEQ's role will be to support the WPA process, and how they can coordinate their efforts with DEQ State-wide.
- It is not clear what level of authority watershed plans will carry (i.e., what activities they will direct).
- Who will coordinate multi-stakeholder efforts? The framework document indicates that DEQ will potentially relinquish responsibility for overseeing water quality management to other agencies. Clear lines of accountability need to be established.
- There is no strategic Monitoring Plan to define an ambient network and address special (watershed) study needs that could be addressed through coordinated efforts.

- The lack of a data management system, including hardware, software, or QA procedures restricts the use of environmental information in conducting assessments and setting priorities.

Areas Requiring Coordination

- The Idaho framework needs to incorporate Region 10 NPDES permitting activities. Without coordination of these activities, comprehensive assessment of loadings will be inhibited and coordination of control strategies will be limited.
- The Federal grant process including application, accounting, and reporting requirements will need to be revised to be consistent with DEQ's watershed management approach.

Existing or Potential Barriers

- Federal reporting and listing requirements may impede use of watershed plans to fulfill Federal mandates.

II. NPDES PERMITS.

A. Identify the agency that oversees permitting activities.

EPA Region 10 oversees the issuance of NPDES permits and the Idaho DEQ Regions issue 401 Water Quality certifications. DEQ is also responsible for non-NPDES permitting.

B. Explain the organization and operation of the State permitting program. Be sure to address the following:

1. Central Office versus Regional Office responsibilities.

EPA Region 10 Central Office staff in Seattle, WA are responsible for drafting and issuing NPDES permits for Idaho. The EPA Operations Office in Boise, ID frequently helps draft the permits. Each permit writer prepares, in most cases, wasteload allocations, permit limitations and conditions, and public notices. The Region's Environmental Services Division (ESD) assists permit writers by providing monitoring data and TMDLs for water quality limited parameters. TMDLs for nutrients are sometimes generated by Idaho DEQ. Regional DEQ offices issue State 401 certifications, while DEQ central office supplies staff and resources.

2. Methods for conveying receiving water quality information between monitoring and assessment programs and permit writers.

EPA permit writers receive information from several sources including the permitted facility, USGS, DEQ, USFWS, NMFS, and other State resource agencies. Data collection is performed on an ad hoc basis rather than through a centralized information management system.

C. Describe any efforts the State has made to operate its NPDES permit program as part of a State-wide WPA.

- 1. Indicate the status of the WPA (e.g., implementing, developing, or none) and describe program goals and components.**

Idaho is in the process of developing a WPA. Permitting is among many components that are being considered for the approach. However, no details for integrating NPDES permitting have been worked out with Region 10. Idaho DEQ has not yet determined how non-NPDES permitting will be handled within the WPA.

- 2. If the State is implementing or developing a watershed permitting approach, what is the length of time until the program is fully implemented and operational?**

Idaho has not clarified the implementation period for its WPA. They anticipate that it will take a minimum of five years to have plans developed for all watersheds across the State. Their current framework document indicates that permits would be issued during the first two years of the management cycle for each basin; however, this has not been agreed to by Region 10 and there are logistical problems with the State's proposed approach such as permits being issued before watershed plans are finalized, permit writing workloads appearing unbalanced from year to year, and whether sufficient resources will be available to issue all the permits in a particular watershed.

D. Is permit reissuance coordinated on a geographic unit basis (i.e., are permits within the same watershed or subbasin handled at the same time)? If yes, then describe the following:

Idaho would like for Region 10 to issue permits in conjunction with the State's WPA.

- 1. Delineation of geographic units.**

Idaho is using a three-tiered strategy (basin, watershed, and sub-watershed) to delineate geographic management units. Idaho's basins, which coincide with USGS subregional boundaries, were established in 1990 under the Nutrient Management Act. Watersheds are the second level of delineation and will serve as the primary management units. Each DEQ Regional office is submitting proposed delineations to the central office, with the USGS hydrologic unit code (HUC) designations being

the preferred basis for delineation. Sub-watersheds compose a third level of delineation for purposes of site specific situations. Delineations will be streamlined and finalized after feedback is received through public watershed meetings.

2. Efforts to consolidate public notices by geographic unit.

None to date. However, EPA Region 10 is supportive of this idea and will work to incorporate it within the approach.

3. Efforts to consolidate public meetings/hearings on permits within the same geographic unit.

None to date. However, EPA Region 10 is supportive of this idea and will work to incorporate it within the approach.

E. The following program resources information may help Regions determine the adequacy of funding and staff when assessing program quality:

1. What level of effort is devoted to the permitting program (e.g., FTEs, funding, other)?

Region 10 Central Office currently employs approximately 16 FTEs within its technical staff (i.e., not including managers and secretarial) to handle Federal facility permitting throughout the Region, NPDES permitting of majors in Alaska and Idaho, sludge program, pretreatment program, stormwater program, and watershed planning support. Approximately 4 of those FTEs are assigned to Idaho NPDES permitting.

2. What is the permit-to-staff ratio?

There are approximately 18 major NPDES permits for every permit writer.

3. What portion of program funding is currently made up of permit fees?

EPA does not currently receive permit fees.

F. Regions should assess the quality of the existing program to determine potential areas of improvement. Such an assessment may include the following activities:

1. Describe the thoroughness of State reviews for the necessity of water quality-based effluent limitations (e.g., the percentage of discharges to impaired or threatened waters that receive water quality-based limits, and the scope of WLA analyses—which parameters of concern the State is able to cover).

The permits that are being issued by EPA Region 10 have water quality-based limits (WQBLs) and human health-based limits where applicable; however, information may not always be available to permit writers to address all parameters of concern.

2. **Describe the strength of basis for water quality-based limitations (e.g., does the State use TMDLs that are based on adequate field data, or do they mostly rely on desktop/default assumption methods?).**

Most WQBLs are based on desktop modeling analyses. Occasionally, EPA bases limits on field-calibrated models.

3. **How does the State use the general permit mechanism to reduce workload for *de minimis* discharges? (If the State is developing or implementing a WPA, describe any efforts regarding basin-wide or watershed general permits.)**

EPA Region 10 uses some general permits (e.g., for concentrated animal feedlot operations) and are supportive of the idea of watershed general permits.

4. **Determine whether the State assigns priorities for permit issuance and, if so, describe the prioritization criteria.**

EPA Region 10 currently prioritizes permit issuance by such factors as: length of time expired; whether the receiving waterbody is on the 303(d) list; whether the application is for a new source; and known State priorities.

G. Examine program operations for productivity improvements that could occur through a more coordinated State-wide WPA permitting approach.

1. **What is the current level of permit backlog for the State? Is there a trend? (i.e., is the backlog increasing or decreasing?)**

The backlog is approximately 25 percent and growing. Growth in backlog is primarily due to the complexity of permits and prolonged permit negotiations. In addition, the Regional Permitting Program has had to handle additional Federal mandates (e.g., sludge, stormwater, and watershed planning) without corresponding increases in staffing.

2. **How automated is the State permitting program? Are permits stored in a computer database that allows for quick editing and permit template development?**

EPA Region 10 is developing computerized "shells" for boiler plate language using the NPDES Tool-Kit software.

3. **Explain any procedures that are used to prioritize and differentiate permit program activities based on environmental priorities (include whether levels of effort change according to these priorities).**

The Region does not have a formal system for assigning priorities on a continuous basis. On an annual basis, however, the Region assigns priorities based on best professional judgment. Data are input to a spreadsheet and permits are prioritized based on the following criteria: whether the permit is expired; whether the permit is for a new source; whether the facility is located in a priority watershed; the TMDL status (e.g., none, developing, or implementing); whether the permit needs to be issued with data collection requirements; and miscellaneous factors based on staff knowledge of the proposed facility.

Regional Assessment for NPDES Permits Component

Points to Build-On

- High quality permits are being generated by the Region that include water quality-based limits.

Issues

- The manner in which monitoring data and other related background information is conveyed to permit writers is not as well organized as it should be. The ad hoc manner in which information is relayed reduces confidence in the quality of the information. Development of a State-wide strategic monitoring plan and information management system could address this problem.
- The Region's permitting program tends to get bogged down in negotiations with the permittee. Improved assessments and the production of watershed plans through the WPA may provide a stronger basis for permit limitations and reduce grounds for permittee objections.
- The working relationship between the Region and DEQ's permitting program is strained, appearing to be more of an adversarial relationship than a partnership. The WPA offers a framework for greater coordination and support.
- Resource limitations affect productivity and will inhibit the Region's capacity to permit priority minor facilities in addition to major NPDES facilities in the State of Idaho.

Areas Requiring Coordination

- A permit issuance schedule that is synchronized with the State's watershed sequence needs to be jointly developed. The current schedule depicted in the draft framework document does not consider EPA workloads and schedules.
- Collection and transfer of information to support permit development needs to be performed using a quality assured system which addresses the needs of Idaho and Region 10.
- Region 10 NPDES permit priorities need to be reconciled with State watershed protection priorities.

Existing or Potential Barriers

- Workload demands in certain years may exceed Regional capabilities unless the watershed sequence and management cycle are set with workload balance in mind.
- Overall program resources (i.e., combined State and Federal agency) may not be large enough to support the State's vision of simultaneous permitting activities in all watersheds across the State.
- Lawsuits and Federal initiatives have driven priorities for TMDL development and NPDES permit issuance. This may pose a problem if these priorities do not match those that will be produced by the State's WPA.

III. MONITORING AND ENVIRONMENTAL ASSESSMENT.

A. Identify the agency(ies) overseeing monitoring and assessment.

There is not a single agency for overseeing monitoring and assessment. Responsibilities are scattered across several agencies including USGS, USFWS, NMFS, USEPA, and Idaho DEQ.

B. Describe the responsibilities of the agencies and programs involved in monitoring and assessment (be sure to distinguish between central office and Regional office roles).

For DEQ, each Region does their own monitoring. Primary focus has been on specific projects such as §319 NPS projects and nutrient management plan projects. There currently is not a fixed ambient network for monitoring the status of the State's waters over time. Regional staff use their monitoring data and that from

other agencies (e.g., USGS, USFS, NMFS) to make assessments and prepare 305(b) reports.

C. Describe any efforts to establish a State-wide monitoring strategy. Be sure to address the following:

- 1. The objectives of the strategy (what purposes does it support, e.g., 305(b) reporting, 303(d) waterbody prioritization and TMDL development, problem identification, management program performance, etc.).**

There is no State-wide strategy, except for the CWA §319 plan. Each Region submits their own §303(d) list and 305(b) reports. However, DEQ indicates that they are meeting with representatives of the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) to develop a memorandum of agreement (MOA) that will address a strategic monitoring plan.

- 2. Identify and describe components (e.g., physio-chemical, biological, habitat, point source effluent, nonpoint source, storm water, etc.). Indicate how strong the State program is for each component (e.g., FTEs, types of expertise and capabilities).**

DEQ devotes approximately 12.5 FTEs from its own staff to monitoring activities, which largely cover physical/chemical monitoring and assessment needs in the Regions. Most staff are assigned to specific projects, §319 and some point source. DEQ is also using reconnaissance teams to perform rapid bioassessments. This year they will employ 6 three-person (college level of knowledge) teams to perform use attainability studies for many of the State's unclassified streams (estimated to be around 1600 streams). These teams will also determine current stream water quality status and identify problems.

- 3. Explain whether the strategy is coordinated around a watershed approach (e.g., sequenced State-wide by basin, targeted in selected priority watersheds).**

Current efforts are coordinated around a watershed approach for specific, targeted watersheds. The proposed State-wide WPA would expand efforts to the State-wide level, but priorities and coordination will occur at the Regional level.

- 4. How are data collected (at fixed stations sampled frequently over time; site-specific stations that change as needed to perform assessments; combination of fixed and ad hoc stations—the answer to this question will probably be tied to objectives and components)?**

DEQ has a limited number of fixed monitoring stations. Current efforts are focused on intensive use attainability and stream status studies.

- a. **How are these decisions made (include descriptions of any priority-based systems that are used)?**

DEQ Regions assign priorities to fill information gaps.

- b. **How frequently is the sampling plan updated to reflect changing needs and priorities?**

Not known.

5. **Who performs the monitoring (e.g., State program, other State and Federal agencies, citizen voluntary groups, NPDES dischargers, consortiums)?**

USGS, University of Idaho, Water Resources Institute.

6. **Identify any written documents that describe the monitoring strategy.**

None currently available. The description of monitoring programs in the draft framework document is indeterminate. The DEQ/BLM/USFS MOA which is in preparation may include a written description.

D. How are monitoring data assessed?

1. **For what purposes (e.g., 305(b) reporting, 303(d) listing, TMDL model development, problem identification)?**

Same as listed in parenthesis examples.

2. **Identify and describe types of assessment tools and techniques used by the State (e.g., statistical techniques, models, GIS). Address the level of the State's capabilities in each of these areas.**

The assessment tools used by the DEQ are very limited. Models are rarely used, and the Water Quality Program has largely been unable to use the State's GIS capability. Region must often fill in gaps.

3. **Describe the methods used to document assessments (e.g., individually by program, collectively in reports, basin plans).**

DEQ uses 305(b) reports developed by the Regions to document their assessments.

4. **What is the status of information management capabilities to support comprehensive assessments?**

Capabilities are very limited. They are placing their use attainability information obtained from the rapid reconnaissance teams in a spreadsheet database. DEQ is not able to get information into the Waterbody System or STORET.

- E. What is the level of effort being devoted to monitoring and assessment activities (FTEs, funding, other)?

See answer to C.2.

- F. **Productivity:** Describe the average annual level of coverage by the State programs including percentage of waters covered, scope of parameter coverage, and frequency of sampling. (For example, the State is able to monitor 25% of its surface waters for standard physical/chemical parameters on a quarterly basis; heavy metals are sampled in 15% of the State's waters and 5% of the sediments once per year.)

Not specifically known since monitoring is performed by Regions and not tracked in central information databases. However, the scope of coverage appears very limited.

Regional Assessment for Monitoring and Assessment Component

Points to Build-On

- The monitoring program MOA being developed with BLM and USFS could be expanded into a State-wide monitoring strategy that coordinates all monitoring activities.
- DEQ has expressed an interest in using the Waterbody System for maintenance of pertinent monitoring and assessment information.

Issues

- The scope and coverage of monitoring and assessment activities in Idaho are not very comprehensive, which will limit problem identification and priority setting capabilities in the WPA.
- Monitoring and assessment protocols and results vary substantially from Region to Region in Idaho, which makes comparison and State-wide assessment difficult and places quality assurance in question.
- State expertise is somewhat diluted by being spread out in the Regions; certain staff strengths are needed State-wide, but are currently restricted to the Region in which the staff person resides.
- The State lacks an effective information management system. Water quality data are not being entered into STORET, nor are assessment data being

electronically stored (i.e., in the Waterbody System or an equivalent database). This makes sharing of information among stakeholders very cumbersome and difficult, and places into question the quality and representativeness of information that can be obtained.

Areas Requiring Coordination

- The methods by which Idaho assessments related to Federal mandates [e.g., 303(d), 305(b), 314, and 319(a)] are performed and reported under the new WPA operating framework need to be worked out with EPA Region 10.
- Protocols for exchange of monitoring and assessment information related to TMDL development and NPDES permitting decisions need to be worked out between DEQ and Region 10.

Existing or Potential Barriers

(None identified - issues appear resolvable)

IV. PROGRAMMATIC MEASURES AND ENVIRONMENTAL INDICATORS

A. Identify the agency(ies) responsible for measuring overall water program implementation and success.

Idaho DEQ.

B. How is the State currently measuring program implementation and success?

1. What specific measures are used (e.g., percentage of impaired or threatened waters, net wetlands/habitat gain or loss, biological indices, pollutant loading changes)?

With regard to environmental indicators, Idaho still has many streams that have never been assessed and remain unclassified (see Section III above on Monitoring and Environmental Assessment). DEQ has plans to use reconnaissance teams to perform use attainability studies and stream assessments focusing on these heretofore unassessed streams. Measures are largely restricted to water chemistry and benthic macro-invertebrate indices.

2. Determine if any efforts are coordinated within a WPA.

No program or environmental measures are discussed in the framework document. Program and environmental measures of success will be defined in individual basin plans.

3. How are performance measurement data managed (e.g., computerized database, published reports, internal memos)?

not known

- C. What level of effort is devoted to measuring program implementation and success (e.g., FTEs, funding, other)?

not known

Regional Assessment of Program Measures and Environmental Indicators Component

Points to Build-On

- The WPA should build on the comprehensive effort by the DEQ to establish designated uses throughout the State and the enhanced assessment methods being used in that effort.

Issues

- The framework document does not include any well defined measures or indicators (programmatic or environmental) to assess program success and progress.
- DEQ's new WPA work paradigm sets a new standard for measuring success that exceeds past efforts to define specific goals and criteria for success (e.g., DEQ nutrient Management Plans). Watershed management plans should include specific criteria for success and description of how performance will be measured against those criteria.

Areas Requiring Coordination

- Region 10 needs to communicate its expectations to Idaho regarding clearly defined performance measures.

Existing or Potential Barriers

- The lack of a clear coordinating role for DEQ central office could impede State-wide performance evaluations and result in inconsistent measures across Regions of the State.

V. PUBLIC PARTICIPATION.

- A. Identify the agency(cies) responsible for public participation activities.

Idaho DEQ

- B. What unique opportunities are made available by the State for public participation in the permitting and watershed management process (e.g., special meetings, hearings, festivals, seminars, workshops, citizen advisory committees, citizen monitoring)? Explain how these methods promote public involvement.**

Idaho's proposed WPA emphasizes community-based problem solving. In each of Idaho's six Regions, a Regional Citizens Watershed Task Force (CWTF) will play a key role throughout the watershed planning process (e.g., setting priorities for watershed planning within the Region, resolving conflicts, procuring funding). The CWTF will act as an advisor to the Regional Administrator. In addition, each watershed will have a Watershed Advisory Group (WAG) made up of local citizens that will take the lead in the planning phase.

- C. Explain how any public participation activities are coordinated within a WPA.**

The Regional Administrator for each DEQ Region will select members for the CWTF through an application process. DEQ expects to have one representative per delineated watershed, which translates into 6 to 12 individuals depending on the Region. The general public will be involved through watershed meetings (i.e., larger scale versions of the basin area meetings that have been used by DEQ over the past several years under the Nutrient Management Act). The preliminary phase of Idaho's approach is largely directed at raising public awareness and participation, and will include: public notification of the watershed approach; solicitation of other agencies to assist in the watershed management process; gathering of resource information; and establishment of WAGs. The WAGs provide a mechanism for public participation throughout the remaining three phases: planning, implementation, and evaluation.

- D. Describe whether and how State rules or administrative codes regulate or impact the public participation process.**

The Idaho Nutrient Management Act helped establish the foundation for the proposed WPA public participation process by mandating public involvement in resource management decisions.

- E. What level of effort is devoted to providing public participation opportunities (e.g., FTEs, funding, other)?**

A figure is not available, but a considerable portion of DEQ Regional staff time will be spent coordinating with CWTFs and WAGs.

Regional Assessment for Public Participation Component

Points to Build-On

- The successful experiences associated with basin area meetings and other mechanisms established under the Nutrient Management Act.

Issues

- Does the public participation component of Idaho's WPA relinquish too much responsibility to the public for overseeing water quality management? Leadership roles and accountability are not clear from the framework document.
- What will happen if the active public (i.e., those participating in WAGs and CWTFs) is not representative, since the public will have a very strong influence on priorities and resource allocations within the watershed?
- What will DEQ do if the public does not support meeting CWA requirements?

Areas for Coordination

- EPA Region 10's role in the public participation process needs to be coordinated with DEQ.

Potential Impediments

None identified.

VI. ENFORCEMENT.

A. Identify the agency(ies) responsible for compliance and enforcement activities.

EPA Region 10 is responsible for managing enforcement activities in Idaho related to the NPDES program. DEQ does help perform some inspections for EPA, and DEQ is responsible for enforcing State water quality regulations.

B. Describe program roles, distinguishing between central office and field or district office responsibilities.

(See response to question A)

C. Provide an explanation of any enforcement activities that are coordinated within a WPA. Be sure to address the following:

1. **How §308 authorities are used to support watershed assessment, planning, restoration, and pollution prevention activities.**

308 authorities are not used broadly since the Paperwork Reduction Act will not allow for comprehensive surveying within a watershed.

2. **Whether unpermitted discharges in priority watersheds are targeted for enforcement.**

Region 10 has not yet targeted unpermitted discharges.

3. **Methods for prioritizing compliance inspection activities according to watershed management priorities.**

Region 10 focuses on top State priorities where EPA is also involved from a TMDL or monitoring basis. Actions taken in the Mid-Snake River Basin are a good example of watershed targeted enforcement, where EPA made a sweeping review of dairies, POTWs, and trout rearing facilities for excessive discharges of nutrients.

- D. **What level of effort is devoted to enforcement and compliance activities (e.g., FTEs, funding, other)?**

Region 10 has approximately 4.5 positions (including the Idaho Operations Office) devoted to enforcement.

Regional Assessment for Enforcement Component

Points to Build-On

- Idaho DEQ has Stated that it is looking to Region 10 for guidance with regard to how NPDES enforcement can be incorporated within the Idaho WPA.
- Experience gained through the Mid-Snake River Basin nutrient monitoring "blitz" could be useful to establishing protocols for the WPA framework.

Issues

- Opportunities for cooperative actions between Idaho DEQ and Region 10 have been limited. Idaho has not communicated any enforcement priorities to the Region.
- Idaho has not clearly defined non-NPDES enforcement programs.

Areas Requiring Coordination

- Region 10 and Idaho DEQ need to establish a consistent basis for prioritizing enforcement actions within the State, which also coordinates and balances workloads.
- Inspections can be used to gather information for other participants in the management process if an effective coordination system is established (e.g., to answer permit writer questions).

Existing or Potential Barriers

- The provisions of the Paperwork Reduction Act appear to impede the use of §308 authorities for use of broad surveys within watersheds.

VII. MISCELLANEOUS INFORMATION ON STATE WPA ACTIVITIES

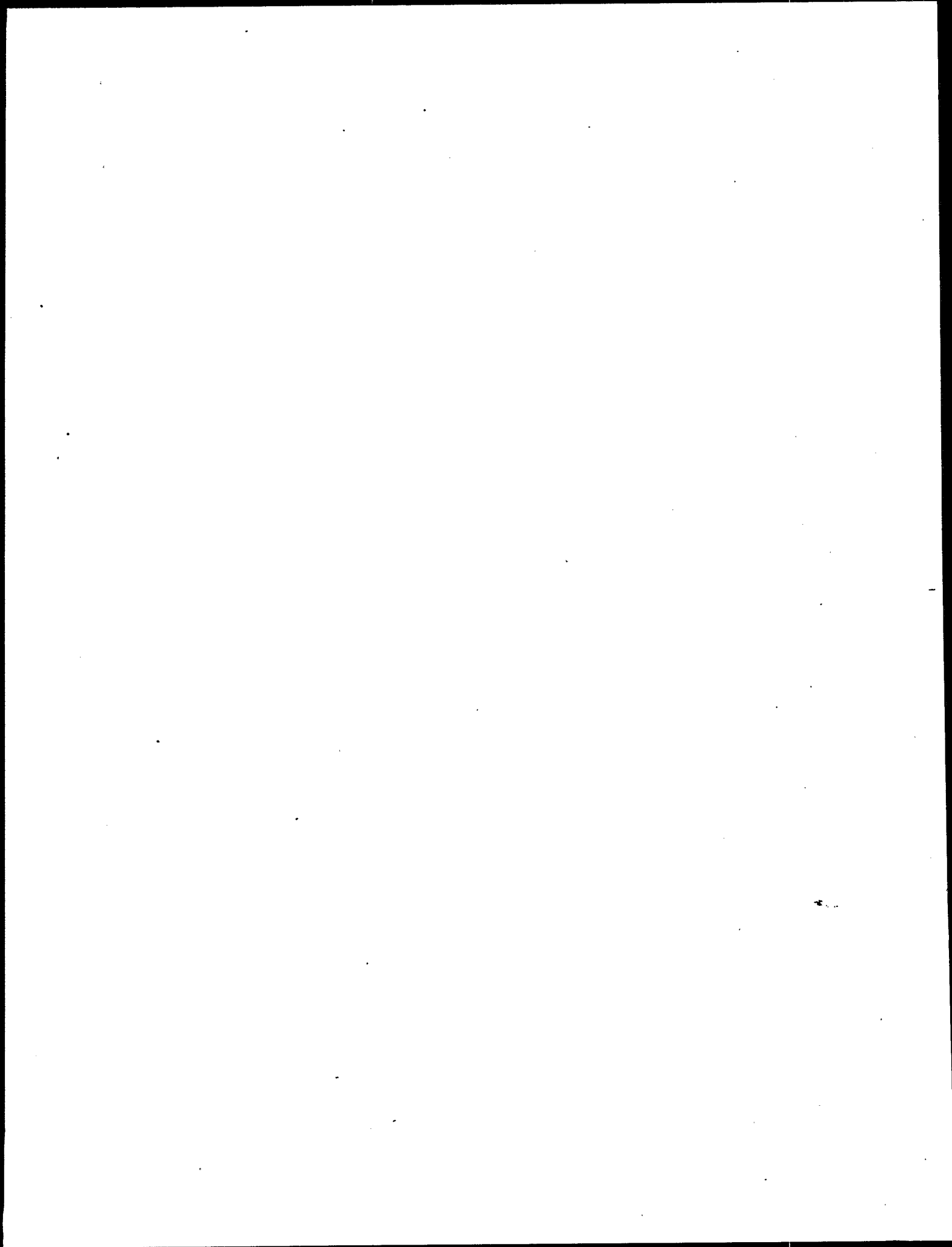
Note any additional observations that may fall outside of listed components.

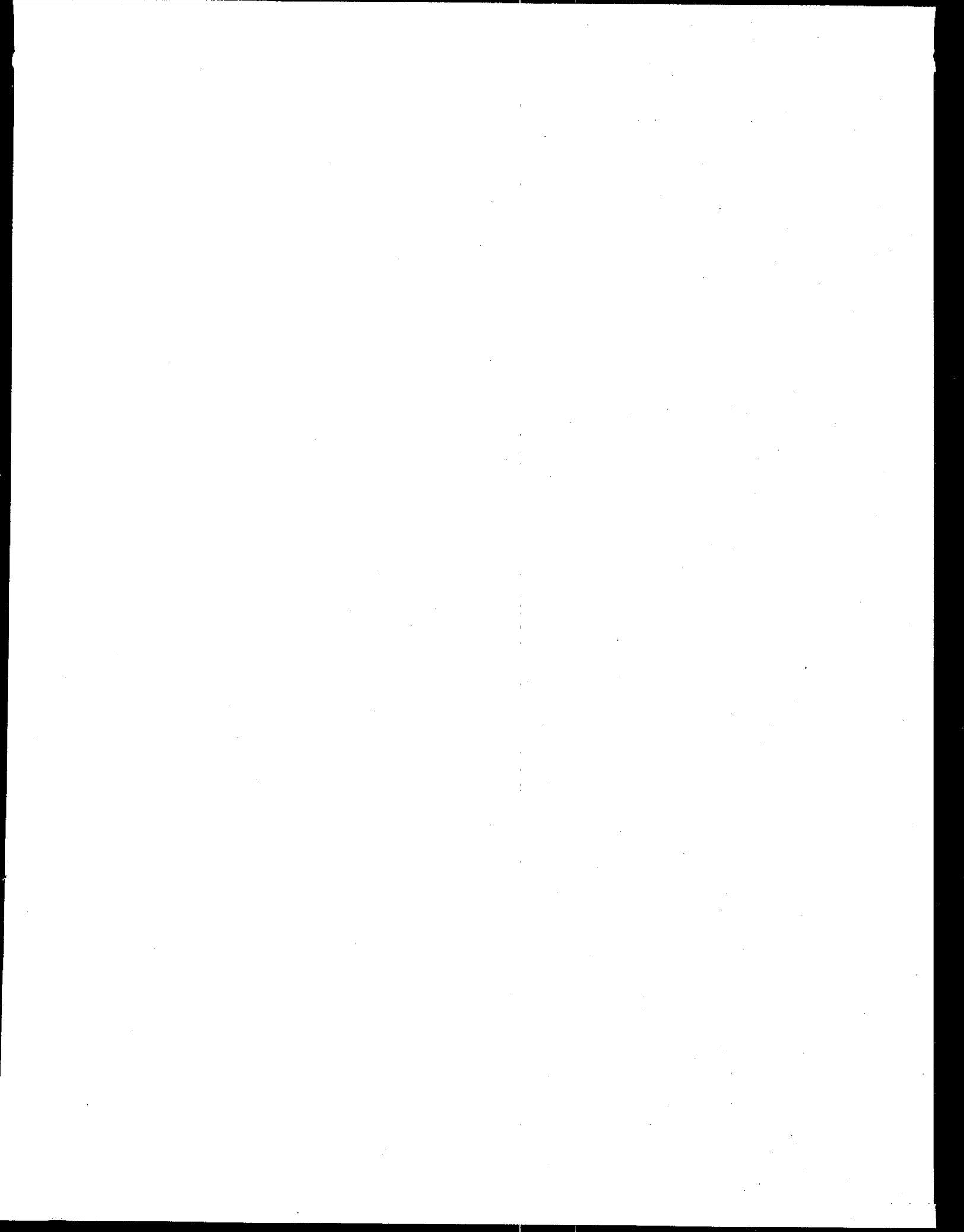
VIII. Overall Assessment

Idaho's efforts to establish a framework to coordinate watershed protection actions are proceeding at a rapid pace. The assessment of the six components listed above revealed a number of issues, needs, and impediments that should be addressed by Region 10 and DEQ to improve the likelihood of success for the approach. Of the items identified above in each of the component assessments, the following were prioritized for action:

- *The need for DEQ central office coordination in the Idaho WPA.* A stronger role for DEQ's central office appears necessary for both internal and external coordination. Region 10 is concerned that, without a strengthening of DEQ's central office role, it will be difficult to achieve consistency in goals, methods, reporting, data management, and other related aspects of program management across the State. There are efficiency and coordination issues that require coordination by DEQ's central office to ensure success of the WPA.
- *Clarification of the level of authority that watershed plans will carry under the approach.* More detail and coordination is necessary to achieve DEQ's goal to have watershed plans fulfill Federal reporting requirements. DEQ should strive to have watershed plans (or preferably basin plans) satisfy applicable Federal reporting and TMDL requirements in lieu of separate reports and lists [e.g., 305(b), 314, 319(a), 303(d)].
- *The need for DEQ to establish a fixed sequence for addressing basins or watersheds over a fixed management cycle.* The lack of a fixed sequence and schedule for watershed management activities appears to extensively limit coordination capabilities and long-term framework development. Continuous activities such as permitting and compliance inspections require a stable framework that balances workload from year to year. DEQ should adopt a fixed sequence of watersheds with a set cycle length so that all stakeholders can plan for the integration and coordination of their efforts with the WPA.
- *Clarification of how multi-stakeholder efforts will be led and coordinated under the proposed approach.* The framework document should indicate that DEQ will maintain lead responsibility for meeting CWA requirements and ensuring that a watershed plan is consistent with those requirements even where DEQ is not the primary governmental agency.
- *Clarification of the role of EPA in the public participation process.* Idaho's approach heavily relies on the public to establish watershed management priorities, which could cause a conflict where the public does not support meeting CWA requirements. Region 10 wants the framework to be clear on the Federal requirements that must or should be met by management plans and actions.

- *The need for DEQ to establish methods for evaluating watershed management success.* It is not clear, under the proposed WPA framework, how the success of watershed management efforts will be measured. Watershed management plans should include specific criteria for success and descriptions of how performance will be measured against those criteria.





1. The first step in the process is to identify the problem or issue that needs to be addressed.

2. Once the problem is identified, the next step is to gather information and data related to the issue.

3. After gathering information, the next step is to analyze the data and identify the root causes of the problem.

4. Once the root causes are identified, the next step is to develop a plan of action to address the problem.

5. The final step in the process is to implement the plan and monitor the results to ensure the problem is resolved.

6. It is important to note that the process is iterative and may require adjustments along the way.

7. The process should be documented and shared with relevant stakeholders to ensure transparency and accountability.

8. Regular communication and collaboration are essential for the successful implementation of the plan.

9. The process should be reviewed and evaluated periodically to ensure it remains effective and relevant.

10. Finally, it is important to celebrate successes and learn from failures to improve the process for future challenges.

