

A
GUIDE TO THE
OFFICE OF WATER
ACCOUNTABILITY SYSTEM
AND
MID-YEAR EVALUATIONS

Fiscal Year 1989

Office of Water
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I. INTRODUCTION

In FY 1989, the Office of Water will continue to conduct formal, coordinated evaluations of Regional water programs. The purpose of these reviews is to evaluate Regional performance in achieving National program objectives for the year, and to help ensure National consistency in implementation of Federal laws and regulations.

This guide contains the accountability measures that the Office of Water will use to monitor Regional performance, and describes the process that the Office of Water will use to evaluate Regional water programs in FY 1989. The guide should be used in conjunction with the Agency's FY 1989 Operating Guidance, which sets forth the National objectives for water programs.

II. THE OFFICE OF WATER ACCOUNTABILITY SYSTEM

The Office of Water Accountability System consists of a set of qualitative and quantitative measures that provide the basis for evaluating Regional Office performance against National program objectives. The measures in the system include all measures included in the Strategic Planning and Management System as well as additional qualitative and quantitative measures which are needed to evaluate fully performance against the Office of Water's FY 1989 National program objectives. In general, the measures from the Strategic Planning and Management System relate to selected areas of the Agency's Priority List and are among the highest priority program activities. They are not intended to provide a comprehensive picture of every program area and are supplemented by the additional measures contained in this guide.

The structure of the FY 1989 Office of Water Accountability System remains essentially the same as the FY 1988 system. The following is a brief description of the accountability system, which is presented fully in Appendix A and B.

A. Appendix A: The Measures

Appendix A presents the measures which comprise the Office of Water Accountability System. It is structured as a series of charts by the program areas which appear in the Agency Operating Guidance for FY 1989. The charts contain the following categories of information:

Activity Areas: These are the high priority activities that are included in the Agency Operating Guidance for FY 1989 and which Regions and States should undertake in order to carry out National program objectives. The Office of Water does not expect the Regions to address every area. Rather, each Region should identify its key program areas, and should focus on those activities that are relevant to its particular circumstances. At the time of the mid-year evaluations, however, the Region will be asked to identify activity area(s) that are not considered to be priorities and to explain how the Region arrived at its decision.

Reporting Measures: The reporting measures are designed to generate the key data and information that the Office of Water needs to evaluate Regional progress towards achieving National program objectives. There are two kinds of reporting measures:

- ° Qualitative measures are the specific questions that Regions are expected to address during the Office of Water mid-year evaluations. The measures relate primarily to program accomplishments and effectiveness, and generally do not involve prenegotiated commitments.
- ° Quantitative measures provide the kinds of information that the Office of Water needs for program management and reporting purposes and for responding to Congressional inquiries. These measures include all measures included in the Strategic Planning and Management System, as well as some unique to the Office of Water system. Several of these measures involve prenegotiated commitments with the Regions (see Section below).

In SPMS/Commitment: This column refers to the quantitative measures only. It designates (1) those measures that appear in the FY 1989 Strategic Planning and Management System and (2) those measures involving a prenegotiated commitment between the Office of Water and the Regions. "Yes" as the first entry in this column indicates that the measure also appears in SPMS; if not, the word "No" appears. A prenegotiated commitment may exist for measures which appear either in the Agency's Strategic Planning and Management System (SPMS) or in the Office of Water Accountability System (OWAS) only. "SPMS" as the second entry in this column indicates a prenegotiated commitment under SPMS, "OWAS" indicates a prenegotiated commitment under OW's accountability system, "No" indicate that no commitment is involved and the measure is solely for reporting purposes.

Reporting Frequency: This column indicates the planned reporting schedule for quantitative measures and any data lags.

The measures in the accountability system will provide the Office of Water with much of the information necessary to monitor Regional performance in water programs. The accountability system is not intended to provide all the information that the Office of Water needs during the year (see page 10), nor to limit the kinds of information that Regions may need for overview of State water programs. As part of its overview function, the Region is expected to gather the basic information to prepare its mid-year self-evaluation and to participate effectively in the Office of Water mid-year evaluations. Regions may, however, seek additional

information from States through program audits or other activities, and may choose to evaluate State management of water program activities that are not covered in the Office of Water guidance or accountability system.

B. Appendix B: The Definitions

Appendix B contains detailed, technical information that more clearly defines some of the quantitative measures contained in Appendix A. These definitions explain the manner in which the Region is expected to report the required information to the Office of Water. For some measures, it also establishes a specific level of performance that each Region is expected to achieve during the quarter/fiscal year, and explains how the Office of Water plans to evaluate performance in these areas.

III. THE OFFICE OF WATER EVALUATION SYSTEM

The following is a brief description of the ways in which the Office of Water plans to collect information and to evaluate Regional performance.

A. Prenegotiated Commitments and Quarterly Reporting

Many quantitative measures in the accountability system require prenegotiated commitments. The commitment-setting process will be carried out in conjunction with that of the Strategic Planning and Management System and will follow the same schedule. In July and August of 1988, the Office of Water programs negotiate with the Regions to set specific target levels of activity for the quantitative measures in the accountability system. The Regions and the Office of Water use the following process to reach agreement on all prenegotiated commitments:

- ° Program offices will negotiate targets based on the quantitative measures in the FY 1989 accountability system; the Assistant Administrator must personally approve any requests for prenegotiated commitments beyond those included in the final FY 1989 system.
- ° Program Office Directors will initiate the original data requests which will be addressed to the Regional Water Management Division Directors.
- ° Program office data requests will identify significant program assumptions, reporting frequency, and reporting mode; each data request should cross-reference the pertinent measure in the FY 1989 Office of Water Accountability System.
- ° Program offices will negotiate commitments based on workload and output projections. Negotiations will start from zero base, with Regions developing the initial target; the program offices will analyze the Region's output estimates to assure that they are consistent with performance expectations, and will accept the Region's estimates unless there is practical evidence or other valid reason to suggest that an alternative output estimate is more appropriate. Several measures include commitments from States. In these instances, Regions will negotiate commitments with their States to support national priorities and performance expectations and submit State commitments to the program offices.
- ° Once staff level negotiations are complete, the Assistant Administrator will submit agreed upon commitments for those measures included in the SPMS to the Office of Management Systems and Evaluation (OMSE); copies of enforcement performance

commitments are also to be submitted of the Office of Enforcement and Compliance Monitoring (OECM). Regional Administrators will also be asked to submit the SPMS commitments to OMSE. Commitments for those measures included in the Office of Water Accountability System only will be sent by the Assistant Administrator to the Water Management Division Director for verification and, after verification, to the Regional Administrator.

The Office of Management Systems and Evaluation will provide specific instructions on the schedule to be followed in submitting SPMS commitments. Based upon previous schedules, both Regional Administrators and the Office of Water will be required to submit SPMS commitments in late August or early September. Any disagreements between the Regions and the Office of Water are to be discussed personally between the Assistant Administrator and the Regional Administrator prior to this submission. Any still unresolved differences are to be mediated by OMSE and OECM or, if necessary, ultimately resolved by the Deputy Administrator by mid-September.

SPMS quarterly reports are completed by the Office of Water on the fifteenth day after a quarter's end. Copies of these reports are available to the Regions through the computerized system maintained by OMSE. To meet the reporting deadline, each program office works with the Regions to obtain the requisite information, generally within 10 days of the quarter's end. The program office will establish a pull date for retrieved data which will form the basis of the report. These pull dates are sent to the Water Management Division Directors and 404 Coordinators (Regions 3, 6, and 7) prior to the end of the quarter.

B. Regional Initiatives

Each Region may propose to the Office of Water by July 15, 1988, two to three environmental initiatives which the Region would like to carry out in FY 1989 within existing resource levels. These initiatives should offer specific solutions or approaches for dealing with environmental problems and lend themselves to milestones for measuring progress in meeting the initiatives' objectives. The Office of Water program offices will review these proposals and discuss them with the Regions, particularly in terms of trade-offs and potential impact on base program activities.

These discussions will occur in August during the same time frame in which SPMS targets are negotiated. After these discussions, each Region will select the initiatives to be undertaken in FY 1989 and, develop a work plan and milestones for each initiative. These initiatives will be discussed during the mid-year visits. By October 30, 1989, each participating Region will submit to the Office of Water an end-of-year report

summarizing progress and constraints to date in carrying out its initiatives and recommending solutions for these constraints. The Office of Water will compile these summaries and prepare a consolidated report by November 30, 1989.

C. Mid-year Evaluations

The Office of Water will conduct formal, coordinated mid-year evaluations in each of the ten Regions. The evaluations will be based on the quantitative and qualitative measures in the FY 1989 accountability system, and the discussions in each Region will focus on its particular problems and issues. The Office of Water plans to use the established evaluation process as in FY 1988. The following is a description of the process.

1. Advance Preparation

Early in FY 1989, the Office of Water will begin to schedule the formal evaluations which will occur during the months of May and June. Each Region is encouraged to adjust its mid-year evaluations of State water programs so that these reviews are completed prior to the Office of Water evaluation.

At least four weeks prior to the scheduled formal evaluation, each Region must provide a summary of Regional and State progress to date in major National programs areas. These should be succinct self-evaluations in which the Region identifies its key problems and issues, as well as its success(es) to date in meeting National program objectives, based on both the quantitative and qualitative measures in the 1989 Office of Water Accountability System. As part of these self-evaluations Regions may elect to include introductory sections which: (1) summarize Regional strengths and weaknesses; (2) highlight Regional initiatives underway which would be discussed during the on-site evaluation; and (3) discusses the successes and problems in implementing State Clean Water Strategies. Additionally, in the self-evaluations, Regions should identify any particular area(s) where they seek management/technical advice from the Office Water program offices or, if they choose, from another Region.

Regions should also identify, as part of the self-evaluation, actions taken in response to the concerns and follow-up items noted in the FY 1988 report to the Region. For those measures where information is the same as in the FY 1988 self-evaluation, Regions need not repeat the response and

may refer the reader to last year's evaluation. The Region is also encouraged to look back at its FY 1988 end-of-year status, and to provide an analysis of its progress since that time, identifying by program whether it has been outstanding, fully successful, or unsatisfactory. While there is no required format for the self-evaluation, some program offices may provide suggested formats for use by the Regions. The Office of Water will use these summaries as discussion documents during the on-site visits.

Each Region should also submit a proposed agenda for the Technical Review Session (see below) when submitting its self-evaluation. This proposed agenda should be based upon the Region's review of its State programs and its self-evaluation, and it should highlight areas of special concern to the Region; areas of concern may include technical issues, as well as interpretation of national policy directions. Proposed agendas should include a block of time to discuss issues that cross over water program areas, Regional initiatives underway, and any particular projects highlighted in the self-evaluation. The Office of Water will identify, prior to Regional submission of the self-evaluation and agenda, any cross-cutting issues that it would like to discuss with the Region.

The Office of Water program offices will review each Region's self-evaluation and its proposed agenda, and will identify any additional issues that may be of concern. The Office of Water will then work closely with each Region to modify the agenda based on its review of the Region's self-evaluation, (as well as other data collected through routine activities, such as quarterly reporting). When requested, the Office of Water will also identify another Region which will participate in specified areas during the Technical Review Session and provide the requested peer advice. Each Region will be provided with a final agenda at least two weeks in advance of the on-site evaluation.

2. On-site Evaluations

The formal on-site evaluations will consist of a Technical Review Session followed by a Senior Management Session. The length of the Technical Review Session will be based on the nature and extent of the problems that are identified, and may vary from two to three days in each Region.

The Technical Review team will conduct the evaluation sessions. It will be led by a Division Director and will have representatives from: regulations and standards, permits and enforcement, construction grants, drinking water, ground water, marine and estuarine programs, and wetlands protection.

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The Technical Review Sessions will be conducted as separate breakout sessions in specific program areas. Some time will also be set aside for full group discussion of Regional initiatives and issues that cross program areas: this discussion should occur after the breakout sessions so that all participants are informed of the issues. In FY 1989 the Office of Water will request that Regions include time for discussion of State Clean Water Strategies (and any other issues it identifies). A Region may elect to invite State representatives to participate in either breakout sessions or general group discussions. State participation is encouraged where States are key players, such as when discussing State Clean Water Strategies or particular initiatives.

At the conclusion of the Technical Review Session, the Office of Water review team will collaborate with the Region's staff to identify the general issues and findings that both parties agree should be discussed at the follow-up Senior Management Session and any needed follow-up actions by either the Region or the Office of Water program offices. A preliminary draft report will be prepared summarizing the Review Team's conclusions. The Region will have an opportunity to review this report and to provide further information prior to the follow-up Senior Management Session.

The one-day Senior Management Session will occur approximately one week after the initial Technical Review Session. The specific purpose of this meeting is to reach a mutual understanding regarding how the Region plans to deal with key findings and unresolved concerns that emerged during the Technical Review Session. Additionally, as part of the Senior Management Session the Region will have an opportunity to brief the Senior Management Team on its projected operating strategy, plans, and emphasis for the coming fiscal year (FY 1990). This briefing is to provide the Office of Water with an overview of Regional activities, an explanation of State and Regional priorities and how they relate to national priorities, and a context for negotiating FY 1990 SPMS and OWAS commitments.

The Senior Management Team group will be led by the Assistant Administrator (AA) or Designee; team members will include the Technical Review team leader and Office Directors. Regional participants should include the Regional Administrator (RA) or the Deputy Regional Administrator (DRA), as well as the Water Division Director (WDD) and, if appropriate, the Environmental Services Division Director and Assistant Regional Administrator for Policy and Management (to cover wetlands protection.)

The evaluation report that was prepared at the conclusion of the Technical Review Session will serve as the basis for the Senior Management discussion. Prior to the session with the RA or DRA, the Senior Management

Team and the WDD will meet to discuss the key issues raised in the report, and, if appropriate, will reach agreement on how the Region plans to deal with these issues. These agreements and any remaining, unresolved issues will be discussed with the RA or DRA in an effort to arrive at decisions regarding how they will be handled.

3. Evaluation Follow-up

Following the Senior Management Session, the Office of Water will prepare a memo that summarizes the key issues that were discussed and outlines any follow-up commitments that were made at the Senior Management Session. These memos will not be comprehensive summaries of all the issues discussed, but will focus on critical issues, the agreements that were reached, and other actions (if any) that may be required to resolve any outstanding issues. The Regions are encouraged to respond to these memos and to apprise the Assistant Administrator of actions that resulted from the evaluation findings within six months of the evaluation.

D. Other Office of Water Information Collection Activities

While the accountability system and the mid-year evaluations will provide the Office of Water with much of the critical information necessary to overview Regional water programs, these reviews are not intended to provide all the data that program offices need to monitor ongoing activities in the Regions and States and to respond to special requests from the Congress, the Administrator or the Assistant Administrator. Consequently, there will be a need for program offices to collect data and information from the Regions outside the formal accountability system. The Office of Water remains committed to keeping these information requests to a minimum, and to coordinate activities between the program offices to the extent possible.

The following are the main, ongoing information collection activities that the Office of Water anticipates during FY 1989:

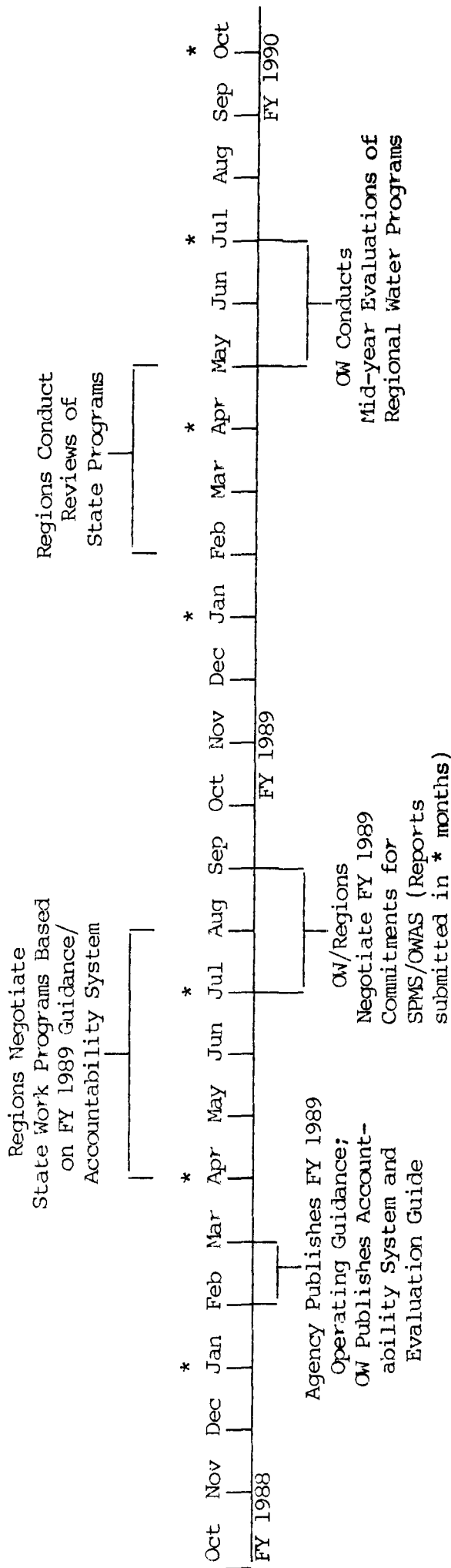
- ° Budget: The Office of Water will ask the Regions to provide the information necessary to prepare the annual budget request. Regions will also participate in the workload analysis that serves as the basis for distributing resources among the Regions. Regions may also periodically be asked to provide incidental information related to the budget process.

- Data Retrieval: The Office of Water will retrieve quantitative data from existing management information systems, such as the Permits Compliance System (PCS), the Grants Information Control System (GICS), and the Federal Reporting Data System (FRDS).
- Quarterly Reporting: Regions will submit quarterly, semi-annual or annual reports to the Office of Water program offices to monitor prenegotiated commitments and measures without commitments where such data cannot be tracked through National data retrieval systems (see above). The Office of Water will supply the appropriate information for the Strategic Planning and Management System to the Office of Management Systems and Evaluation.
- Annual Work Programs/Strategies: The Office of Water will review Regional documents that are submitted on a routine basis, such as the section 106/205(j) work programs, the State section 302(b) reports, and the annual plans and evaluation results from section 205(g) delegation agreements. The Office of Water will also review any Regional and State strategies called for in the FY 1989 accountability system.
- Program Audits: The Office of Water will continue to conduct selected program audits and case studies on an as needed basis to track critical activities. Examples include staff level audits of the construction grants and permits and compliance programs. The program offices will plan and negotiate these essential activities with the Regions, and will conduct these activities jointly to the extent possible.
- Self-Evaluation Reports: Regions will submit mid-year self-evaluations that summarize their progress-to-date as it relates to the Office of Water's National program objectives (see preceding section for details).
- State Mid-Year Evaluation Reports: Upon request, Regions will submit a copy of the mid-year evaluation report for each State. This report will include findings, follow-up activities, and State comments on the report's findings.
- Regional Initiatives: Participating Regions will submit an end-of-year assessment of their special projects.

The information produced by these activities will be used for ongoing program management purposes, and will also be used to help identify issues and concerns that will be discussed during the mid-year evaluations.

TIMELINE FOR ACTIVITIES
RELATED TO THE FY 1989 OFFICE OF WATER
OPERATING GUIDANCE AND ACCOUNTABILITY SYSTEM

REGIONAL ACTIVITIES



OFFICE OF WATER ACTIVITIES

APPENDIX A

QUALITATIVE AND QUANTITATIVE MEASURES

DRINKING WATER

Public Water System Supervision Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Implement new EPA regulations resulting from the SDWA amendments.	(A) What is the status of State primacy for the VOC, public notification, surface water treatment, and coliform rules? Provide activity by State. (B) What has the Region done to prepare the States for accepting primacy for the new IOC, SOC, NPDRA, including lead ban and MCL? (C) Are States monitoring for unregulated contaminants in accordance with the schedule in the VOC rule? Provide status by State. (D) Have the States expanded oversight requirements for non-transient, NCWSs which will parallel EPA's phase-in of additional monitoring and MCL requirements for those systems over the next five years? Are these requirements consistent with those required of CWSs?			

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Public Water System Supervision Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Implement new EPA regulations resulting from the SDWA amendments (Cont'd)	(E) Has the Region taken steps to assist Indian tribes in assuming primary enforcement responsibilities in instances when assistance is sought?	(a) Report, by a Regional total, the number of: 1) Indian tribes requesting funds under State Program regulations, or 2) Indian tribes which have applied for treatment as a State.	No/No	Second Fourth Quarters
2. Develop priorities and program strategies.	(A) Which States' compliance activities and strategies do not reflect CWA's April 1 Compliance Strategy. Provide status by State. (B) What have the Region and States done to develop and implement programs to leverage other Federal, State, and private groups (such as HUD, EPA, NRECA, State food service licensing agencies, etc.) in improving compliance?			

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Public Water System Supervision Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
3. Target outreach, training, and TA to gain support and assistance from local and State groups and individuals most influential in providing quality drinking water thru implementation of the mobilization plan.	(A) Does the Region have an active mobilization program that coordinates outreach, training, and TA to gain support & assistance from organizations that are able, in turn, to reach the local and State groups and individuals most influential in providing quality drinking water. Describe Regional program and its expected accomplishments.		
	(B) What Regional activities contribute to effective implementation of EPA programs to address the 4 high priority contaminant groups?		
	(C) Does the Region have a special program to improve small systems compliance?		
	(D) How has the Region benefited from the Safe Drinking Water Hotline? Does the Region respond to referrals from the Hotline and close out all calls?		

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Public Water System Supervision Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
4. Reduce non-compliance with existing drinking water standards.	(A) Does the Region have a specific plan for improving noncompliance in non-primary States and/or on Indian lands? (B) Has the Region conducted routine compliance/enforcement meetings with the States to discuss enforcement activity? How often? Have the States documented their approach to "timely and appropriate" enforcement action? (C) Have all States signed an enforcement agreement for FY'89?	(a) Report against an annual target, number of SNCs and the net percent change in the number of SNCs occurring from the fourth quarter of FY 1988 to the fourth quarter of FY 1989 separately for the following groups: 1) micro/turbidity/TTHM SNCs 2) chem/rad SNCs (NOTE: for all OWAS measures report State-by-State and include a Regional total for Indian lands) (b)*Report against the "new" microbiological, turbidity, and TTHM (monitoring) SNCs from 2 quarters ago, the number which: returned to compliance; had a formal enforcement action taken against them; or became exceptions this quarter. Report against the "new" chemical and radiological SNCs identified on April 1, 1988, the number which: returned to compliance; had a formal enforcement action taken; or became exceptions this quarter.	Yes/SPMS DW/E-1	Quarterly Second Quarter (Data are lagged 1 quarter) Quarterly (Data are lagged 1 quarter) Second Quarter (Data are lagged 1 quarter)

*Identifying all exceptions in this measure is premised upon requiring Regions to provide system-specific Exceptions Report.

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Public Water System Supervision Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
4. Reduce non-compliance with existing drinking water standards. (Cont'd)		(c) Report the number and percent of exceptions identified through the prior quarter which have since returned to compliance, had a formal enforcement action taken against them, or remain exceptions as of this quarter for: 1) micro/turbidity/TTHM exceptions 2) chemical and radiological exceptions	Yes/No DW/E-3	Quarterly (Data are lagged 1 quarter)
5. Demonstrate accomplishments in maintaining active State/Federal enforcement programs.		(a) Report the total number of EPA administrative orders, the total number of State equivalent actions issued, the total number of EPA §1431 emergency orders, and the total number of EPA complaints with penalties.	Yes/No DW/E-4	Quarterly (Data are lagged 1 quarter)

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Public Water System Supervision Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPSS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
5. Demonstrate accomplishments in maintaining active State/Federal enforcement programs. (Cont'd)		(b) Report the number of civil actions referred to State Attorneys General, the number of civil cases filed by the Attorneys General, the number of criminal charges filed by the Attorneys General, the number of civil cases concluded by the Attorneys General, and the number of criminal cases concluded by the Attorneys General. (OEOM will report the same data for EPA referrals)	Yes/No DW/EF-5	Quarterly (Data are lagged 1 quarter)
		(c) Report, by State and by a Regional total for Indian Lands, the number of public hearings held by the Region in support of issuing a Federal AO during the quarter. (Is not restricted to SNCs. Report activity on SNCs and non-SNCs separately.)	No/No	Quarterly (Data are lagged 1 quarter)
6. Maintain an active sanitary survey program.		(a) Report, by State, the number of CWSS which have had a Class I sanitary survey conducted on them by the State during the quarter.	No/No	Quarterly (Data are lagged 1 quarter)

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Public Water System Supervision Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
6. Maintain an active sanitary survey program. (Cont'd)		(h) Report, by Region, the number of CWSs which have had a Class I sanitary survey conducted on them by the Region during the quarter. Report in three categories: 1) non-primacy States 2) total Indian Lands, and 3) primacy States.	No/No	Quarterly (Data are lagged 1 quarter)
7. Maintain an active State data management program.	(A) Has the Region undertaken data verification activity for each State? What have results of completed studies shown about data integrity? Have the States made adjustments to their data systems, either at their own initiative or to address any problems discovered during a current or previous verification? (B) Are State reporting data to FRDS within the newly adopted 60 day turn around time? Are the data complete and accurate?	(a) Report on which States the Region has initiated or completed a data verification during the last 12 months.	No/No	Second Quarter (Data are lagged 1 quarter)

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Public Water System Supervision Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
8. Reduce non-compliance with existing drinking water standards on federal facilities.		(a) Report, by State, the number and percent of Federal facility CWSs which are SNCs of: 1) a microbiological, turbidity, or ITM requirement, or 2) an organic (other than ITM), inorganic, or radiological requirement.	No/No	Second Quarter (Data are lagged 1 quarter)
9. Coordinate Regional drinking water programs with Superfund and RCRA programs.	(A) In brief, what steps have been taken to coordinate the efforts of the Drinking Water Branch and the Superfund and RCRA program offices?	(b) Report, by State, the number of Federal facility CWSs which have received: 1) Class I Sanitary Survey, or 2) compliance inspection.	No/No	Second Quarter (Data are lagged 1 quarter)

DRINKING WATER

Public Water System Supervision Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
10. Implement the lead ban requirements established by the SDWA amendments.		(a) Report State activities for implementing the lead ban requirements for all States without lead ban requirements currently in place.	No/No	Quarterly (Data are lagged 1 quarter)
		(b) Report how States are enforcing the lead ban and the public notification requirements for lead.	No/No	Quarterly (Data are lagged 1 quarter)

11. Support the conduct of the Pesticides Survey.
- (A) What is the Region doing to coordinate sampling and information dissemination on the Pesticide Survey?
12. Provide support to States, water supplies, & the public on radon.
- (A) What are the States doing to provide technical assistance and information on public health risks associated with radon?

DRINKING WATER

Public Water System Supervision Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
13. Conduct special reviews of State programs.	(A) Has the Region conducted any State program reviews where there is special concern about a State's ability to maintain and implement primacy? (B) What has the Region done in support of the existing special compliance initiatives (e.g., the Oceanic Islands, the Caribbean, and the Alaskan initiatives?			

DRINKING WATER

Underground Injection Control Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Issue Underground Injection Control (UIC) permits expeditiously.	(A) Has the State completed its 5-year target?	(a) Track, by Region, progress against quarterly targets for the number of UIC Class I, II, III, and V (as applicable) well permit determinations for existing and new wells made by EPA and the number made by primacy States. (Report permit determinations for new and existing wells separately.) (NOTE: for all OWAS, measures report State-by-State)	Yes/SPMS DW-1	Quarterly (data are lagged 1 quarter for primacy States)
2. Determine whether there is the potential for the UIC operation to contaminate USDWs due to pathways in the AOR.		(b) Track, by Region the number of wells affected by these determinations. (a) Track, by Region, for primacy and direct implementation States the number of wells reviewed in the well area of review, number of wells found deficient in the well area of review, and the number of wells for which corrective action was taken within a well area of review.	No/No	Quarterly (data are lagged 1 quarter for primacy States)

DRINKING WATER

Underground Injection Control Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
3. Review Class II well record file reviews for wells regulated by rule.	(A) Has the State submitted an annual compliance evaluation process to replace the file review process after the first 5 year file review cycle has been completed? (B) What criteria are the State using to evaluate the effectiveness of the annual compliance evaluation?	(a) Track, by Region, against quarterly targets for the number of existing Class II well record file reviews completed and the number of wells not found in compliance with appropriate follow-up initiated. (b) Track, the number of §1425 programs that have submitted acceptable demonstrations, following further guidance from Headquarters.	No/OWAS	Quarterly (data are lagged 1 quarter for privacy States)
4. Assure the mechanical integrity of injection wells	(A) What types of failures are most frequent and in which tests do these occur? This includes the use of cementing records. (B) What types of MITs generate the most reliable results?	(a) Track, by Region, progress against quarterly targets for the number of rule authorized Class II wells that have had mechanical integrity tests performed by operators and verified by the State Director. (b) Track, by Region, the number of wells that failed mechanical integrity tests as reported in (a).	Yes/SPMS DW-2	Quarterly (data are lagged 1 quarter for privacy States)
			No/No	Quarterly (data are lagged 1 quarter for privacy States)

DRINKING WATER

Underground Injection Control Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
5. Protect health and environment from hazardous waste injection	(A) How do the States and Regions identify and implement land ban recommendations?	(c) Report, by Region, the number of wells by Class for which mechanical integrity tests were field witnessed by State or EPA staff.	No/No	Quarterly (data are lagged 1 quarter for primacy States)
		(a) Track, by Region, the number of Class I hazardous waste injection wells for which land ban petitions have been received and processed.	No/No	Quarterly (data are lagged 1 quarter for primacy States)
		(b) Track, by State, the number of Section 1422 programs revised to address Class I hazardous waste wells under the new requirements in Part 40 CFR 146(g).	No/No	Quarterly (data are lagged 1 quarter for primacy States)

DRINKING WATER

Underground Injection Control Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
6. Implement tracking of significant violations to ensure early action to correct noncompliance		(a) Track, by Region, for primacy and for Direct Implementation States, the number of Class I, II, III, IV and V wells found in SNC.	Yes/No DW/E-6	Quarterly (data are lagged 1 quarter for primacy States)
		(b) Track, by Region, for primacy and for Direct Implementation States the percentage of wells not considered SNCs (under program guidance #58) that failed MIT or exceeded injection pressure limitations that have had a formal enforcement action or returned to compliance within 90 days.	Yes/No DW/E-6	Quarterly (data are lagged 1 quarter for primacy States)
		(c) Track, by Region, the number and percent of wells for primacy and for Direct Implementation (DI) States reporting significant violations and appearing on two or more consecutive reports and which have (1) returned to compliance, or if have not returned to compliance, (2) have not had a formal enforcement action, or (3) have had a formal enforcement action. (List separately by well class) Note: Exceptions	Yes/No DW/E-8	Quarterly (data are lagged 1 quarter for primacy States)

Underground Injection Control Program

A-15

DRINKING WATER

Underground Injection Control Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>COMMITMENT?</u>	<u>FREQUENCY</u>
7. Achieve and maintain a high level of compliance	(A) Do States have a penalty policy that is followed when assessing penalties for UIC violations? (B) Are Regions routinely meeting with States to plan enforcement responses in States with delegated programs?	(a) Track, by Region, progress against quarterly targets for the number of wells inspected by EPA and by primacy States. (b) Track, by Region, the number of field inspections conducted by EPA and the number conducted by primacy States.	Yes/SPMS DW/E-7	Quarterly (data are lagged 1 quarter for primacy States)
			No/No	Quarterly (data are lagged 1 quarter for primacy States)
		(c) Track the total number of EPA administrative orders, the total number of State equivalent actions issued and the total number of \$1431 emergency orders issued by well class.	Yes/No DW/E-9	Quarterly (data are lagged 1 quarter for primacy States)
		(d) Track the number of civil actions referred to State Attorneys General, the number of civil cases filed by State Attorneys General, the number of criminal charges filed by the Attorneys General, the number of civil cases concluded by the Attorneys General, and the number of criminal cases concluded by the Attorneys General. (OECM will report the same data for EPA referrals).	Yes/No DW/E-10	Quarterly (data are lagged 1 quarter for primacy States)

DRINKING WATER

Underground Injection Control Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
8. Improve data quality and provide timely and accurate information management.	(A) Does the State maintain an updated well inventory? (B) How well is the State data management system working and does it provide necessary program information?	(a) Report, by State, by well class and operating status, the total number of wells in each State.	No/No	Quarterly (data are lagged 1 quarter for primacy States)
9. Oversee primacy State programs.	(A) Does the State use its grant funds effectively? (B) Are States carrying out their programs as approved? (C) Are there major unresolved issues between the States and Region? (D) What kind of problems are States encountering and what types of assistance do they need? (E) How does the Region review and check a State's program output quality?	(a) Report by State on the use of grant funds.	No/No No/No No/No	Annually Annually Annually

DRINKING WATER

Underground Injection Control Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
	(F) Are States reviewing and updating their QA programs to cover all parameters as the EPA guidance/regulatory deadlines approach?			
	(G) Do Regions routinely provide training sessions for State staffs?			
10. Develop and oversee Indian lands programs	(A) What is the status of primacy applications? (B) Do Tribes effectively use UIC grant funds?	(a) Report the number of Indian Tribe primacy applications received. (b) Report the number of injection wells regulated by tribal programs.	No/No No/No	Annually Annually
11. Implement Class V Program.	What kinds of permitting, inspection and enforcement activities are being conducted for Class V wells?	(a) Report the number of States submitting Class V program activities in their UIC Grant agreement.	No/No	Quarterly

GROUND-WATER PROTECTION

Ground-Water Protection Strategy

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Advise and assist States in their ground-water protection strategy activities.	(A) Identify the status of ground-water protection strategies for all States in the Region. Is the strategy an integral part of the State's annual workplan?	(a) Status of Strategies: # under development # developed # developed and submitted to Region # adopted by the State # implemented # incorporated into State statutes	No/No	end of 2nd* and 4th qtrs
	(B) Identify areas/programs within State strategies needing further development.	(b) How many States are using financial resources beyond 106 grants for ground-water protection activities? Identify these sources of funds and cite types of activities supported.	No/No	end of 2nd* and 4th qtrs
	(C) How is EPA guidance, particularly the initiative on a comprehensive ground-water protection strategy, reflected in State programs?	(c) Identify the States which are revising their ground-water protection strategies and list other ground-water areas being focused on, e.g. non-point sources of pollution, agricultural chemicals, underground storage tanks, monitoring, systems/regulations development.	No/No	end of 2nd* and 4th qtrs
	(D) Describe the tracking system developed for monitoring the States' progress in ground-water protection, including the use of 106 grants.			

* - To coincide with mid-year review

GROUND-WATER PROTECTION

Ground-Water Protection Strategy

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
2. Implement a differential ground-water classification system for all EPA programs.	(A) Identify the EPA programs implementing the classification guidelines and describe the approach developed for the incorporation of the classification system in those EPA programs. (B) What specific activities are staff conducting and/or coordinating with other EPA programs?			
3. Provide technical assistance to States on ground-water classification matters.	(A) Describe States' efforts in ground-water classification to date.	(a) Number of States with classification systems in place. Is the system: - under development? - currently in place? - compatible with EPA's classification system?	No/No	end of 2nd* and 4th qtrs
4. Ensure the integration of Regional ground-water offices into the Regional decision-making process on issues with ground-water impacts.	(A) Describe the Regional process for integrating and coordinating ground-water programs with other EPA programs, including RCRA, Superfund, UST, Pesticides, and other water programs. (B) What other reviews are conducted by the Regional ground-water offices on a regular or ad-hoc basis?	(a) Identify the number of reviews conducted by Regional ground-water offices: # of RODs reviewed # of ACL determinations # of corrective action plans # of RI/FS reviews # of NPS Management Plans # of <u>(identify other reviews)</u>	No/No	end of 2nd* and 4th qtrs

* - To coincide with mid-year review

GROUND-WATER PROTECTION

Ground-Water Protection Strategy

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
4. Ensure the integration of Regional ground-water offices into the Regional decision-making process on issues with ground-water impacts.	(C) What steps are being taken to improve upon the communication deficiencies identified in the FY 1988 study?			
5. Institutionalize relationships with other Federal agencies.	(A) What efforts has the Region taken to develop working relationships with other Federal agencies? What effect have these relationships had on ground-water protection issues and activities? (B) Describe the formal agreements/MOUs/IAGs entered into, the agencies involved, and the focus of these agreements. (C) Describe the types of projects accomplished through interagency efforts. (D) What types of <u>informal</u> arrangements with other Federal Agencies are taking place?			

* - To coincide with mid-year review

GROUND-WATER PROTECTION

Wellhead Protection Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Promote and assist States and Indian Tribes in developing and implementing Wellhead Protection (WHP) activities.	(A) What is the status and progress of developing WHP programs by States? Describe the initiatives undertaken to assist States and other governmental entities in developing and implementing WHP programs or activities. (B) Describe the technical expertise/support activities carried out by the Region to assist States in their WHP efforts. (C) Describe the outreach, education, technical assistance and other related activities directed specifically to Indian tribes.	(a) Track, against targets established for each Region, the number of States in which Regional initiatives are being undertaken to assist States to develop and implement either Wellhead Protection (WHP) programs or significant components of a WHP program.	Yes/SPMS GW-1	quarterly
2. Direct process for reviewing States/Indian tribes WHP programs.	(A) Describe the approach developed by the Region for conducting a comprehensive review of the States/Indian tribes' programs and determining conformance with statutory requirements.	(a) Number of State/Indian tribe programs submitted for EPA review. # approved # disapproved	No/No	end of 2nd* and 4th qtrs

* - To coincide with mid-year review

GROUND-WATER PROTECTION

Wellhead Protection Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
3. Compile data for reporting requirement on States' WHP activities.	(A) Describe the process used by the Region to collect data from States on their wellhead protection activities.			

* - To coincide with mid-year review

GROUND-WATER PROTECTION

Sole Source Aquifer Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Designate Sole Source Aquifers (SSAs) in accordance with guidance.	(A) What types of technical assistance is the Region providing to prospective petitioners?	(a) Number of designation petitions received, approved, denied, determined incomplete and returned to applicant. (b) Number of public inquiries, both written and verbal.	No/No	end of 2nd* and 4th qtrs
		(c) Identify the time and staff resources focused on: 1. completeness reviews 2. technical review 3. administrative procedures 4. public hearings or other approaches to public comment requirement 5. public inquiries (written or verbal)	No/No	end of 2nd* and 4th qtrs
2. Manage the SSA Post Designation Program.	(A) How is the Region implementing the policy/guidance issued on the review of Federal financially assisted projects on or near designated SSAs?	(a) Number of MOUs in place, in process, or revised with lead Federal Agencies and/or State Clearinghouse Agencies (if applicable). (b) Number of projects reviewed in SSA areas approved/disapproved/modified.	No/No	end of 2nd* and 4th qtrs
			No/No	end of 2nd* and 4th qtrs

* - To coincide with mid-year review.

MARINE AND ESTUARINE PROTECTION

Ocean Disposal Permits Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Prepare Environ-mental Impact Statements (EIS) and Rule Making Packages for Ocean Dumping Site Designation	(A) How does the Region design EIS studies and use early State, local, and public involvement to focus attention on the most significant environmental and socio-political issues. How does the Region use problem resolution procedures to effectively resolve issues, and provided for: - coordination with other Federal, State , and local agencies, - consistent application of regulatory factors, - complete documentation of records of decision, and - response to public comment? (B) Was there significant continued controversy after publication of the final EIS?	(a) Track against targets # draft EISS. (b) # final EISS. (c) # ocean dumping sites designated. (d) Memorandum of Agreement between Region and the Corps of Engineers District Office in effect on resources to designate dredged material sites.	No/OW Yes/SPMS WQ-1 Yes/SPMS WQ-1 No/No	Quarterly Quarterly Quarterly Mid-year Reviews*
2. Issue Ocean Dis-posal Per-mits and Conduct Monitoring Surveys for Site Design-ation and Management	(A) What procedures does the Region follow in permit issuance or review? Are all criteria evaluated and applied consistently among the permit applications? (B) How is the Region using Headquarters' specialized site monitoring and manage-	(a) # and type ocean disposal permit applications received. (b) # and type ocean disposal permits issued. (c) # sites surveyed and site survey reports completed.	No/No No/No No/No	

* Unless otherwise specified Reporting will be at the Region's Mid-year Review.

MARINE AND ESTUARINE PROTECTION

Ocean Disposal Permits Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
2. Issue Ocean Disposal Permits and Conduct Monitoring Surveys for Site Designation and Management (cont.)	ment services, including the use of the OSV Anderson, where possible? (C) How is monitoring survey information managed for evaluating the impacts of ocean disposal activity? (D) What procedures are being followed to re-evaluate monitoring program effectiveness? (E) How is the Region conducting compliance, monitoring, and enforcement of EPA permits?	(d) # of MPRSA enforcement actions under §107 of the Act. (e) # and amount of penalties assessed for MPRSA violations.	No/No No/No	Mid-year Review*
3. Development of the New York Bight Restoration Plan by Region II	(A) What is the status of Region II's work on this study? (B) How is Region II coordinating the various New York Bight related studies and programs?	(a) Three year study schedule completed. (b) % completion of assessment of pollutant inputs. (c) % completion of determination of control methods and costs. (d) % completion of schedule of clean-up program.	No/No No/No No/No No/No	
4. Development of the New York Mud Dump Site Alternative Study by Region II	(A) What is the status of Region II's work on this study? (B) How is Region II ensuring that there is interagency coordination in this effort?	(a) Three year study schedule completed. (b) % completion on preliminary and draft EIS. (c) % completion on proposed rule prepared.	No/No No/No No/No	

MARINE AND ESTUARINE PROTECTION

Marine Discharge Waivers and Ocean Discharge Criteria Evaluations

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES FOR MID-YEAR REVIEWS</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Review \$301(h) Applications, Issue Permits, and/or Reissue Permits	(A) Are the remaining decisions clearly and completely documented?	(a) # intents to revise.	No/No	Mid-year Review*
	(B) Are all criteria evaluated and applied consistently among Region's applications?	(b) # withdrawals.	No/No	
		(c) # initial decisions.	No/No	
		(d) # final decisions.	No/No	
	(C) Do permits consistently assure that the monitoring provisions of \$301(h) decisions are transformed into specific enforceable requirements for use in assessing ongoing compliance with the \$301(h) criteria?	(e) # secondary equivalency determinations.	No/No	
		(f) track against targets # permits issued or reissued reflecting decisions.	No/OW	Quarterly
	(D) How are determinations of secondary equivalency, being carried out?	(g) # approved monitoring programs in operation with data evaluated by Region.	No/No	Mid-Year Review*
	(E) How are permit reviews and oversight monitoring being carried out?	(h) # monitoring programs with provision for QA-QC planning.	No/No	
	(F) If monitoring data indicates permit non-compliance, what mitigating measures are being taken by the Regions?	(i) # permits appealed.	No/No	

MARINE AND ESTUARINE PROTECTION

Marine Discharge Waivers and Ocean Discharge Criteria Evaluations

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES FOR MID-YEAR REVIEWS</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
2. Prepare \$403(c) Ocean Discharge Criteria Evaluations (ODCEs) for NPDES Permits for Offshore Oil and Gas Facilities and Other Facilities Discharging into the Ocean	(A) Has the universe of NPDES discharges to marine waters and subject to \$403(c) been identified and have the priorities for evaluation of these sources been set on the basis of health/environmental risk? (B) What is status of NPDES permits subject to \$403(c)? (C) Are the ODCEs adequate to evaluate impacts on marine environment? (D) What priorities are being considered in evaluating \$403(c) monitoring programs?	(a) # marine dischargers in Region subject to \$403(c). (b) Priority list for \$403(c) evaluations of NPDES permits developed. (c) # off-shore oil and gas operations evaluated. (d) # other marine dischargers evaluated. (e) # draft ODCEs prepared for notice of draft NPDES permits. (f) # final ODCEs prepared for final NPDES permit issuance and permit record. (g) # ODCEs requiring \$403(c) monitoring in NPDES permits. (h) # monitoring plans	No/No No/No No/No No/No No/No No/No No/No	Mid-Year Reviews*

MARINE AND ESTUARINE PROTECTION

Estuaries, Coastal, and Marine; and Great Lakes

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Work with the States and Regions to Implement WQA Programs and the 1987 Water Quality Agreements in the Great Lakes (GL) and Chesapeake Bay (CB) Basins	(A) How do the Great Lakes National Program Office (GLNPO), Chesapeake Bay Liaison Office (CBLO), and the Regions ensure that States implement activities to abate identified problems? (B) How are the GL Areas of Concern or the CB critical areas considered in the development of State work plans? (C) How do GLNPO or CBLO utilize contract resources to augment the implementation of priority activities in State work plans? (D) What is the status of the preparation and implementation of GL Remedial Action Plans(RAPS)? (E) What progress has been made in meeting the GL phosphorus loading targets? How successful are the Best Management Practices (BMPs) in reducing phosphorus loads? Which elements of the GL Phosphorus Reduction Plan are being implemented? Which are not? Why?	(a) # Remedial Action Plans (RAPs) approved for GL Areas of Concern. (b) # RAPs with significant implementation needs based on cost or complexity. (c) # CB critical areas and/or priority water bodies identified as needing BMP installation, and # acres of sub-basins. (d) # acres in GL or the CB basins with BMPs in-place, and % of total acres planned for BMP installation. (e) # tons of phosphorus estimated to be removed from GL or CB waters by BMPs.	No/No No/No No/No No/No No/No	Mid-year Review*

MARINE AND ESTUARINE PROTECTION

Estuaries, Coastal, and Marine; and Great Lakes

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Work with the States and Regions to Implement WQA Programs and the 1987 Water Quality Agreement in the Great Lakes (GL) and Chesapeake Bay (CB) Basins (cont.)	(F) What is the status of the preparation for and conduct of the In-place Pollutant Demonstration Project(s)? (G) What is the status of the strategy and work plan development for the Lake Management Plans? (H) What is the status of the joint research plan to be developed by GLNPO and NOAA?			
2. Review Water Quality Standards (WQS) to Determine Impacts on GL and CB	(A) How are the Regions ensuring that States are adequately addressing GL and CB needs in revision of WQSs? (B) How are the priority pollutants and pollutants of concern being addressed?	(a) # WQS approved by Regions during FY 1989 which incorporated GLWQA criteria (b) # WQS approved by Regions during FY 1989 which incorporate objectives of the CB Restoration and Protection Plan and the 1987 Agreement.	No/No No/No	Mid-year Review*
3. Assess Municipal Compliance for Consistency with Objectives of Great Lakes Water Quality Agreement	(A) Has compliance with the phosphorus requirement improved over last year? If not, what efforts have GLNPO, CBLO, and the Regions made to increase compliance? What is hindering compliance?	(a) # GL major POTWS in compliance with 1 mg/L phosphorus requirement vs. total # of major POTWS. (b) # CB Advanced Waste Treatment(AWT) POTWS funded vs. # of AWT POTWS determined to be needed.	No/No No/No	

MARINE AND ESTUARINE PROTECTION

Estuaries, Coastal, and Marine; and Great Lakes

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
3. (cont.) (GLWQA) and to Protect the Criti- cal Areas in CB	(B) Are certain permits targeted for special review due to GL or CB concerns? On what basis?	(c) % total flow from major GL POTWs meeting the 1 mg/L phosphorus goal or % total flow from Upper CB POTWs meeting 2 mg/L phosphorus goal and other waste load allocation limits.	No/No	Mid-year Reviews*
4. Implement the GL and CB Monitoring programs.	(A) How have the Regions and States have prepared pollu- tant loading information reports that provide trend information for the GL and CB? Do reports fully incorporate tributary monitoring, atmospheric deposition sampling, and open water surveys? (B) What is the status of the GL Atmospheric Deposition (GLAD) network? How is the GLNPO using GLAD data to determine sources of pollutants? (C) What are the Regions and States doing to expand nutrient and toxic monitoring to meet the objectives of Water Quality Act and the 1987 Great Lakes Water Quality or Chesapeake Bay Agreements?	(a) # of monitoring stations in the CB.	No/No	

MARINE AND ESTUARINE PROTECTION

Estuaries, Coastal, and Marine; and Great Lakes

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
5. Integrate GL or CB Related Activities into the Ongoing Water Management Programs in the Region	(A) What is the character and level of interaction of GLNPO or CBLO and their Regions with the programs of other Federal and State agencies? (B) What specific action is the Region taking to integrate the GLNPO or CBLO activities into the Water Programs, especially the NPDES program? Are sources in the GL or CB basins targeted for special attention in terms of permitting, compliance, monitoring, and enforcement? Are reports developed on the compliance status of sources in the basin?	(a) Provide a summary of the compliance status of sources in the GL or CB basins. (b) Provide copy(s) of any MOUs/agreements between the GLNPO or CBLO and other Federal/State agencies. (c) # States participating in the SCWS that targeted on the GL or CB basins.	No/No	Mid-year Review*
6. Assist States in Developing and Implementing Non-point Source Control Programs	(C) What role has GLNPO or CBLO played in the development of the State Clean Water Strategies (SCWS)? (A) How will the State Assessment and Management Reports establish priorities for the GL and CB? (B) What is the status of implementation of GL CB elements of approved	(a) # State assessments updated to incorporate GL or CB activities. (b) # State management plans with approved GL or CB elements.	No/No	No/No

MARINE AND ESTUARINE PROTECTION

Estuaries, Coastal, and Marine; and Great Lakes

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
6. Assist States in Developing and Implementing Non-point Source Control Programs (cont.)	(B) (cont.) management plans? Are BMPs now being constructed in priority areas so that water quality improvements are maximized? (C) What additional efforts are needed to complete the GL or CB NPS program elements?			
7. Implement the Lake Michigan Toxic Control Reduction Strategy	(A) How will the Green Bay Mass Balance model be used to control toxicants in Lake Michigan? (B) What efforts have the Region, GLNPO, and the States taken to ensure that Green Bay Mass Balance Study produces implementable results? (C) How is the GLAD network providing data to determine atmospheric loading? (D) What is the estimated total loading of pollutants of concern to Lake Michigan?	(a) Estimated loading of pollutants of concern to Green Bay.	No/No	Mid-year Review*

MARINE AND ESTUARINE PROTECTION

Estuaries, Coastal, and Marine; and Great Lakes

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
8. Implement the 1987 Great Lakes Water Quality Agreement (GLWQA) and the 1987 Chesapeake Bay Agreement (CBA)	(A) How are the U.S. commitments to the GLWQA being addressed? (B) How are the commitments to the CBA being addressed?	(a) Provide a GL or CB work plan for FY 1989 by November 1989. (b) Develop a GL or CB work plan for FY 1990 by August 1990. (c) Provide semi-annual reports of the status of GLWQA implementation. (d) Provide annual or biennial reports to Congress, as required under the WQA and GLWQA or CBA.	No/No No/No No/No No/No	Mid-year Reviews*

9. Implement CB Data Management

(A) What is the status of implementation of the data management system? What is the role of the Bay States in implementing the system?

(B) What are the Region and the States procedures for acquiring, entering, and verifying data entered into the CB data base? How current are data entered?

(C) What action is the Region taking to make the CB data base available to eligible computer center users?

MARINE AND ESTUARINE PROTECTION

Estuaries, Coastal, and Marine; and Great Lakes

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
9. Implement CB Data Management (cont.)	(D) How does data coordinated through the CB data management system support Bay plan?			
10. Implement CB modeling program	(A) How effective have the modeling activities been in identifying the most important sources and fate of nutrients in the Bay? (B) How have findings of the modeling activities to date affected the Bay program management decisions?	(a) Provide a summary of the results of the modeling runs to date.	No/No	Mid-year Review*
11. Implement CB Communications Strategy	(A) What communications activities have been conducted and how have they impacted the recommendations of the CB plan? Are the Citizens Advisory Committee and the Scientific and Technical Advisory Committees participating fully in the CB program?			
12. Management Conferences Convened for Six Estuaries in Albemarle/Pamlico Sounds, Buzzards Bay, Long Island Sound,	(A) What is the status of commitments under EPA/State Conference Agreements?	(a) Progress in Comprehensive Conservation and Management Plan (CCMP) for each estuary project as specified by EPA/State Conference or, for a new estuary project, the five year workplan. - completed technical feasibility report.	No/No	Mid-year Review; Project Annual Report

MARINE AND ESTUARINE PROTECTION

Estuaries, Coastal and Marine, and Great Lakes

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
12. (cont.) Narragansett Bay, Puget Sound and San Francisco Bay, are to Implement the Provisions of the EPA/ State Conference Agreements by Completing Major Milestones to Achieve the Seven Stated Purposes of the Conference as Provided in the Water Quality Act.	<u>Albemarle/Pamlico Sounds</u> - the data and information management system implementation. - the completion of the status and trends report on environmental problems in the Sounds. - the review of a list of probable causes of problems in the Sounds by the scientific and regulatory community. <u>Buzzards Bay</u> - public distribution of final reports on status and trends, probable causes of environmental problems, and the relationship between pollutant sources and impacts. - the identification of priority action plans to maintain/attain preferred uses. - the development of a CCMP.	- completed technical feasibility report. - final system configuration report. - # priority data sets entered. - trends analysis completed for water quality, uses, living resources, pollutant loading, and physical alteration. - list of probable causes developed. - # draft reports. - # final reports. - trends analysis for coliforms, toxics, and nutrients. - # corrective actions development for point sources, nonpoint sources, land use, living resources, and in-place pollutants - annotated outline of CCMP prepared		Mid-year Reviews; Project Annual Report

MARINE AND ESTUARINE PROTECTION

Estuaries, Coastal and Marine, and Great Lakes

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN/SPMS COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
12. Management Conferences Convened for Six Estuaries... Implement Provisions of EPA/State Conference Agreements (cont.)	<u>Buzzards Bay (cont.)</u> - the completion of plans for implementation of the CCMP. - the completion of a monitoring plan. <u>Long Island Sound</u> - completion of a feasibility study for a data management and information system. - completion of the reports on status and trends, probable causes of environmental problems and preferred uses. - conduct of the review of federal programs and projects in the watershed, and are these activities consistent with the goals and objectives of the project. <u>Narragansett Bay</u> - implementation of a data management system - public distribution of the reports on status and trends, probable causes of environmental problems, and linking problems to pollutant loads	- # cost impacts for preferred uses prepared - regulatory/legislative needs identified - monitoring inventory completed - draft monitoring plan completed - survey of user community completed - inventory of available systems completed - # optimal data sets identified - # preferred use options identified - uses linked to probable causes - inventory of federal programs completed - alternative remedies identified - new contributors identified - technical feasibility report - system configuration approved - draft status and trends inc. land use, point and non point sources - probable cause list reviewed - draft report on causes of problems and draft report	No/No	Mid-Year Reviews; Project Annual Report

MARINE AND ESTUARINE PROTECTION

Estuaries, Coastal and Marine, and Great Lakes

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
12. Management Conferences, Convened for Six Estuaries.. ...Implement Provisions of EPA/State Conference Agreements (cont.)	<u>Narragansett Bay (cont.)</u> - the development of action plans dor achieving preferred uses - the development of a system-wide monitoring plan - the review of federal program and projects in the watershed and are they consistent with the programs goals and objectives?	- # of preferred uses identified - # of corrective actions for point and nonpoint sources, land use, living resources, & in-place pollutants - inventory of monitoring programs - draft monitoring plan - inventory of federal programs completed - alternative remedies identified - new contributors identified	No/No	Mid-year review; Project Annual Report
	<u>Puget Sound</u> - the development of a second, partial CCMP to address monitoring, research, and public education - the development of implementation plans for each of these areas	- # of corrective action plan for monitoring, research, and public education - costs and compliance schedules for corrective action plans - priority action plans for preferred uses developed - compliance schedules for priority action plans - regulatory/legislative needs identified - institutional and financial commitments obtained		

MARINE AND ESTUARINE PROTECTION

Estuaries, Coastal and Marine, and Great Lakes

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
12. Management Conferences Convened for Six Estuaries... ...Implement Provisions of EPA/State Conference Agreements (cont.)	<u>Puget Sound (cont.)</u> - the review of federal programs and projects in the watershed and are these programs consistent with program goals and objectives? <u>San Francisco Bay</u> - the completion of a list of priority problems and probable natural and anthropogenic causes of trends - linking environmental problems to pollutant loads - the completion of an inventory of monitoring programs in the Bay. - the review of federal programs and projects in the watershed.	- inventory of federal programs completed - alternative remedies identified - new contributors identified - priority problems identified - probable cause list reviewed - preferred uses identified - use options linked with probable causes - inventory of federal programs completed - alternative remedies identified - new contributors identified	No/No	Mid-year Review; Project Annual Report
13. \$205(1) provides funds for the implementation of the National Estuary Program. Each Conference with an	What is the status of the review of the five year workplan to: - identify a priority pollution problem, its probable causes, and implement a corrective plan.	- the development of a remedial action plan or a mitigation strategy to address the cause of the problem - # of corrective actions taken		

MARINE AND ESTUARINE PROTECTION

Estuaries, Coastal and Marine; and Great Lakes

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
13. (cont.) approved five year workplan identifies and implements priority action plans to abate and control pollution specific problem areas prior to the completion of the CCMP	- the preparation of a report evaluating the effectiveness of the corrective action taken.		No/No	Mid-year Review; Project Annual Reports
14. Management Conferences Convened in Six of the New, Nationally Significant Estuaries, including Delaware Bay, Delaware Inland Bays, New York/New Jersey Harbors, Sarasota Bay, Gaveston Bay, Santa Monica Bay, and Others, Establish an Organizational Structure and Planning Process that will Provide a Means to	In each new estuary program, A) Has a state project office been established and is it operational? B) Is a public participation program in-place? C) Has data management support for status and trends and pollutant loading work been identified and is it operational? D) Has a five year workplan leading to the development of a CCMP been developed and approved by the conference?	- cooperative agreement in-place - office fully staffed - plans completed for: public information, education, and involvement in the decision-making process and action plans - available systems surveyed - user community surveyed - draft feasibility study - system configuration proposed		

MARINE AND ESTUARINE PROTECTION

Estuarine, Coastal, and Marine; and Great Lakes

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT</u>	<u>REPORTING FREQUENCY</u>
15. Assess Pollution in the Near Coastal Waters (NCWs) and Test Innovative Pollution Control Techniques (cont.)	(E) How is the Region supporting HQ in the integration of NCW initiatives into ongoing water programs and in the recognition of NCW priorities in targeting water programs?			

WETLANDS PROTECTION

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Manage an aggressive program for the review of section 404 permits and appropriate follow-up action.	(A) Describe the Region's most significant activities under section 404, including such areas as preapplication assistance, integration of actions with other Federal, State, or local agencies.	(a) Number of resolved section 404 reviews from previous quarter(s) which raised <u>significant issues</u>	No/No	Quarterly
	(B) Address effectiveness of section 404 working relationships with each Corps District, FWS, Region and Field Office, and NMFS Region.	(h) Number of Section 404 permit application reviews initiated this quarter	No/No	Quarterly
	(C) Describe how the wetlands staff works with the Environmental Review Program Staff on FIS, EA, etc., review. Identify any significant problems.	(c) Number of Section 404 reviews for this quarter which raised <u>significant issues</u>	No/No	Quarterly
	(D) Describe how the Region works with the Corps and other agencies to make jurisdictional determinations.	(d) Number of Section 404 resolutions during this quarter	No/No	Quarterly
	(E) Discuss the significance in your Region of solid waste discharges including municipal landfills. Describe coordination among 402, 404, and RCRA staff.	(e) Number of resolutions due to Corps or applicant acceptance of EPA comments, leading to issuance.	No/No	Quarterly
		(f) Number of resolutions due to Corps acceptance of EPA comments resulting in permit denial	No/No	Quarterly
		(g) Number of resolutions due to Corps issuing permit over EPA recommendation for denial or without inclusion of EPA recommended permit modification or conditions.	No/No	Quarterly

WETLANDS PROTECTION

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
		(h) Number of withdrawn applications	No/No	Quarterly
		(i) Number of regional actions prepared for possible elevation to headquarters	No/No	Quarterly
		(j) Number of regional actions prepared for possible elevation to headquarters which are resolved through negotiation prior to elevation to headquarters	No/No	Quarterly
		(k) Number of regional actions completed by elevations to headquarters	No/No	Q2
		(l) Report number of EISs or similar documents reviewed that involve significant section 404/ wetlands protection issues	No/No	Q2
		(m) Report number of boundary determinations sent to EPA by the Corps	No/No	Q2
		(n) Report number of boundary determinations made by the Region	No/No	Q2
		(o) Report number of solid waste discharges addressed by the Region	No/No	Q2
2. Conduct a vigorous § 404 enforcement and compliance monitoring program.	(A) Describe the Region's §404 enforcement program, focusing on significant initiatives	(a) Number of unresolved enforcement cases from last quarter	Yes/No WO/E-I	Quarterly

WETLANDS PROTECTION

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
		(b) Number of administrative compliance orders issued this quarter	Yes/No WO/E-I	Quarterly
		(c) Number of administrative penalty orders issued this quarter	Yes/No WO/E-I	Quarterly
		(d) Number of civil cases referred to DOJ this quarter	Yes/No WO/E-I	Quarterly
		(e) Number of criminal cases referred to DOJ this quarter	Yes/No WO/E-I	Quarterly
		(f) Number of cases resolved this quarter	Yes/No WO/E-I	Quarterly
3. Enhance State, Tribal and local wetlands protection.	(R) Discuss implementation of the EPA-Corps MOA on enforcement (A) Describe major activities for promoting State, Tribal, and local programs and assisting in their development. Identify major constraints. (B) For States that have assumed the \$404 program, describe and evaluate oversight actions in terms of ensuring statutory/regulatory compliance and progress toward environmental goals	(a) Report number of States or Tribes to whom EPA is providing grant funding for development of \$404/wetland protection programs.	No/No	Q2
4. Enhance public awareness of wetland values.	(A) Describe significant activities and accomplishments.			

WETLANDS PROTECTION

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
5. Enhance wet-lands protection through other actions including this objective alternative/anticipatory approaches and increasing coordination with/consistency of governmental policies and private sector actions.	(A) Describe the Region's strategic initiatives undertaken or planned to achieve this objective	(a) Track progress against targets for the number of strategic initiatives started (resource plans (e.g. ADID), ecosystem initiatives, research initiatives, or State/local/tribal initiatives. (Report by number and type; e.g. local/tribal initiatives. (Report by number and type; major and minor.)	Yes/SPMS WO-2	Quarterly
	(B) Discuss progress in implementing your Region's Bottomland Hardwoods Implementation Plan. (Regions 3,4,5,6,7)	Number of strategic initiatives completed.		Quarterly

6. Manage an overall \$404/wet-land protection program including efficient use of resources, strategic planning, intraagency coordination, etc.

(A) Describe the Region's overall plan for meeting national program and Regional objectives.

(B) Discuss the impact of resource or other restrictions on the accomplishment of planned initiatives/actions

(C) Discuss how your Region allocates resources/establishes priorities across geographic, political, or other subdivisions of the Region. Address the degree to which all areas receive the appropriate level of EPA attention.

WETLANDS PROTECTION

IN SPMS/
COMMITMENT?

REPORT
FREQUENCY

QUANTITATIVE MEASURES

QUALITATIVE MEASURES

ACTIVITIES

- (D) Describe the amount and types of significant programmatic training staff have had over the past year.
- (E) Discuss ways in which Headquarters can do a better job of assisting you in meeting program objectives.

WATER QUALITY STANDARDS, PLANNING AND ASSESSMENT

Water Quality Standards

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES FY 89</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT</u>	<u>REPORTING FREQUENCY</u>
1. Effectively implement the WQS program.	(A) Describe in detail, by State and measure, what actions (including milestones) the Region is planning to ensure that the State completes each of the quantitative measures.	(a) Identify, by State, the number and percentage of waterbodies evaluated to determine if water quality criteria for toxic pollutants are needed to protect designated uses. (b) Identify the States that have adopted numeric criteria into their water quality standards for the §307(a) toxic pollutants, or have met the requirements for adoption of numeric criteria through a procedure applied to the narrative criterion for those waters identified as needing protection from toxic pollutants in State Action Plans. When specific numeric criteria are adopted, instead of a procedure, identify the specific toxic pollutants.	No/No	Q1,2,3,4
		(c) Identify the States that have completed their triennial reviews within the three year period required by §303(c) of the CWA.	Yes/SPMS WQ-3	Q2,4
		(d) Identify the States that have approved implementation methods for antidegradation.	No/No	Q4

WATER QUALITY STANDARDS, PLANNING AND ASSESSMENT

Monitoring

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES FY 89</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT</u>	<u>REPORTING FREQUENCY</u>
1. Identify waters evaluated to determine if toxic criteria are needed to protect uses.		(a) Identify, by State against quarterly targets, the number and percentage of waters evaluated to determine if water quality criteria for toxic pollutants are needed to protect designated uses.	Yes/SPMS WQ-4	Quarterly
2. Identify waters where water quality is known/suspected of being impaired due to toxics/toxicity as well as point source dischargers.	(A) For each State within the Region that has not completed or is not expected to complete its lists of waters or its water quality assessment plans, describe in detail what actions (including milestones) the Region is planning to ensure that the State does complete its lists and plans. What deficiencies are being found in State submissions? What is the Region doing to make certain the State(s) comply with the Water Quality Act of 1987? What are the States doing to identify previously unknown toxics problems?	(a) Track, by Region, against quarterly targets, the number of States for which (1) the State has submitted the lists of waters and final sources/amounts of pollutants/required by §304(1) of the Clean Water Act, and (2) EPA has approved/disapproved such lists. (b) Provide (1) the lists of waters and point sources required by §304(1) of the Clean Water Act, and (2) the names of States for which EPA has approved or disapproved lists of waters and point sources.	Yes/SPMS WQ-5 No/No	Q1,2,3,4 Q1,2,3,4

WATER QUALITY STANDARDS, PLANNING AND ASSESSMENT

Monitoring

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES FY 89</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT</u>	<u>REPORTING FREQUENCY</u>
3. Assess whether States are making progress toward achieving the requirements of Section 308(a) and (d) of the 1987 WQA.	(A) Describe the degree to which the States have implemented specific Action Plans negotiated in FY 88 to strengthen State toxics control programs, and what steps the Region has taken to oversee State programs.			
4. States conduct water quality assessments to identify problems and determine effectiveness of water pollution control programs.	(A) Describe what progress is being made by the States in achieving improvements in water quality that can be attributed to toxic controls and nonpoint source controls and describe the monitoring programs used to assess needs for toxics control.	(a) Track, by Region, the number of waterbodies, and the number of stream miles, lake acres, estuary segments, coastal miles and Great Lakes shore miles that States assessed through (1) monitoring or (2) evaluation, according to EPA guidance for 305(b) reporting. Identify number that are supporting/partially supporting designated uses. Identify the number, by nonpoint source category, not fully supporting designated uses due to nonpoint sources of pollution.	Yes/No WQ-6	Q3
		(b) # of States for which all 304(1) listing information and all appropriate 305(b) information have been entered into Waterbody System.	No/No	Q4

WATER QUALITY STANDARDS, PLANNING AND ASSESSMENT

Monitoring

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES FY 89</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT</u>	<u>REPORTING FREQUENCY</u>
(Continued)				
4. States conduct water quality assessments to identify problems and determine effectiveness of water pollution control programs.		(c) Identify (1) the baseline number of waterbodies and stream miles, lake acres, estuary square miles, coastal miles, and Great Lakes shore miles (fixed base) listed by States and approved by EPA under §304(1), (2) the number and size of such waters currently supporting designated uses and meeting water quality standards, and (3) number and list of States with plans for long-term data collection programs to identify currently suspected or unknown toxic pollutants or toxics problems in receiving waters as a continuing program for surface water toxics control.	No/No	Q3
5. Develop needed WLAs/TMDLS	(A) To what extent have States and the Region improved their capability to identify waters needing WLAs/TMDLS (including biomonitoring)? Describe any updates in technical procedures used by the States in developing WLAs/TMDLS for toxics and conventional pollutants.	(a) Track, by Region, against quarterly targets, (1) the number of States with approved technical agreements with EPA for conducting WLAs/TMDLS, and (2) the number of complex and/or multiple-discharger TMDLS/WLAS submitted by States and approved by EPA as a basis for NPDES permits and individual control strategies.	No/OW	Q1,2,3,4

WATER QUALITY STANDARDS, PLANNING AND ASSESSMENT

Monitoring

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES FY 89</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT</u>	<u>REPORTING FREQUENCY</u>
6. Oversight of State monitoring programs and technical assistance to States.	(A) Describe State and Regional actions to develop \$106 work programs' (and other actions) to begin to implement the recommendations of the Surface Water Monitoring Study by re-evaluating and upgrading State monitoring and assessment capabilities, and by working to improve the access, use, sharing, and integration of data. (B) Describe Regional efforts to provide technical assistance to State monitoring program, and to conduct Regional assessment/assistance projects. (C) Assess how well the States are implementing EPA guidance for QA/QC programs, and for data entry into EPA systems. (D) Describe Regional efforts to assist States with the development and use of new analytical methods. (E) Describe performance of Regional and State labs in analyzing QA/QC performance samples. What has been done to correct deficiencies? What is done to inform management of data quality issues?			

WATER QUALITY STANDARDS, PLANNING AND ASSESSMENT

Water Quality Management (WQM) Planning

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES FY 89</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT</u>	<u>REPORTING FREQUENCY</u>
1. Target available resources on critical water quality problems.	(A) Describe how each State determines water quality priorities and targets resources on critical water quality problems.	(a) Number of States submitting Clean Water Strategies and updating CPPs to reflect CWA amendments.	No/No	Mid-year review
2. Negotiate and manage State WQM grants [106, 205(j)(1) and (5)] to assure that outputs are of high priority, acceptable quality and commensurate with funding provided.	(A) What procedures are used to negotiate, track, and evaluate grantee work programs and performance? Describe problems encountered in applying these procedures. What actions were imposed for non-performance/incentives for superior performance? (B) How is the Region ensuring that 40% pass-through requirements under section 205(j)(1) are implemented properly?	(a) Identify, by State, the major products completed in FY 88 which were reviewed and/or approved by the Region and incorporated into State WQM plans. (b) List by State major outputs not completed in the prior year's work program and those behind schedule by end of second quarter in current year's work program.	No/No	Mid-year review
	(C) Describe the process for selecting Indian Tribes for funding.	(c) Identify the number of Indian Tribes eligible to be treated as States for CWA programs and the number of Tribes receiving grants.	No/No	Mid-year review

WATER QUALITY STANDARDS, PLANNING AND ASSESSMENT

Nonpoint Source Management

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES FY 89</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT</u>	<u>REPORTING FREQUENCY</u>
1. Assure that States have an effective process for identifying, evaluating and reporting NPS impacts on State waters. Approve/disapprove State NPS Assessments by 2/89 and prepare Assessments for any States which do not submit them by 8/88.	(A) What specific efforts has the Region made to assure State fulfillment of the statutory requirements to assess NPS impacts? What difficulties have been experienced in attempting to obtain NPS Assessments? (B) What is the quality of State NPS Assessments and annual progress reports? What are the major issues which are not adequately addressed by each of these submissions? (C) What specific efforts have been made by the Region and each State to go beyond the explicit requirements of the Act and to establish processes to identify and evaluate NPS loadings and impacts (e.g., development of NPS monitoring techniques, initiation of ADP tracking systems for NPS monitoring data, etc.)? What evidence is there of reduced loadings or other indications of progress?	(a) Report the number of States for which the Region has approved or disapproved NPS Assessments, the number of States which failed to submit NPS Assessments and the target dates for Regional Office completion of these latter Assessments. (b) Report the number of States providing information to the Region in FY 88 on reductions in NPS loadings and improvements in water quality resulting from implementation of Management Programs [pursuant to 319(h)(11)].	No/No	Q1, 2, 3
			No/No	Q4

WATER QUALITY STANDARDS, PLANNING AND ASSESSMENT

Nonpoint Source Management

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES FY 89</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT</u>	<u>REPORTING FREQUENCY</u>
2. Assure that States develop and submit approvable NPS Management Programs which meet the criteria contained in the final "Nonpoint Source Guidance" and section 319.	(A) What specific efforts has the Region made to provide assistance to States and to assure that they submit high quality, approval Management Programs which meet the criteria contained in EPA guidance and section 319. In the event that a State does not submit an approvable Management Program, what assistance has been provided to local agencies to produce local programs in lieu of an approved State Management Program?	(a) Report the number of State Management Programs approved, partially approved, or disapproved by 2/89 and the number of revised Management Programs approved or disapproved by 8/89. (b) For each State which fails to submit a Management Program or fails to submit an approval Management Program, report the number of local Management Programs being prepared by local agencies.	No/No	Q1,2,3,4
			No/No	Q2,3,4

(B) What is the quality of the Management Programs? Describe how NPS management programs are integrated into State Clean Water Strategies. To what extent do Management Programs meet the criteria of the final 1987 guidance, the Act and guidance which the Region may have provided?

WATER QUALITY STANDARDS, PLANNING AND ASSESSMENT

Nonpoint Source Management

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES FY 89</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT</u>	<u>REPORTING FREQUENCY</u>
3. Assure that State NPS Management Programs are implemented and that EPA grant funds are used effectively to increase State NPS staffing, improve State NPS Management and reduce NPS loadings.	(A) What difficulties have been encountered in negotiating implementation grants, assisting States to manage their processes for installation of BMPs or obtaining State implementation actions? (B) What actions has the Region taken to promote support of State NPS programs by Federal agencies other than EPA?	(a) Report funding sources used and progress by each State in meeting each milestone required in 319(b)(2)(C). Report number of BMPs installed or implemented by each State by category and subcategory. (b) Report the amount and source of all funds used to install BMPs in each State, in accordance with approved Management Programs, as well as those installed with State or other funds.	Yes/No WQ-7 No/No	Q,4 Q,4

WATER QUALITY STANDARDS, PLANNING AND ASSESSMENT

Lakes Management

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES FY 89</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT</u>	<u>REPORTING FREQUENCY</u>
1. Site visits to active Clean Lakes projects.	(A) Describe for each project actual work underway or completed and ensure expenditures to date are consistent with EPA FMS.	(a) Report the number of active Clean Lakes projects, the number of site visits per project, and the number of projects with discrepancies between expenses incurred and expenses reported to FMS.	No/No	Q4
2. Review of unexpended obligations for all operative Clean Lakes projects.	(A) Describe what specific efforts the Region has made to assure funds are being expended in a timely manner.	(a) Report the number of projects active for more than three years, with unexpended obligations in excess of \$100,000.	No/No	Mid-year review
3. Ensure integration of Clean Lakes program into State Clean Water Strategy and timely reporting of lake water quality assessment studies.	(A) Describe how the Clean Lakes program is integrated into the State Clean Water Strategy and the status of lake water quality assessment. Describe how the State will use lake water quality assessment grants to improve the 1990 305(b) Report.	(a) Report the number of States which have integrated Clean Lakes program into State Clean Water Strategies and the number of State lake water quality assessments and the number of lakes assessed.	No/No	Mid-year review

WATER ENFORCEMENT AND PERMITS

Permits

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Issue/Reissue Industrial and Municipal Permits	(A) Are States issuing permits consistent with the 304(1) amendments requiring Individual Control Strategies for permittees discharging to listed waters? Are these permits being issued based on EPA's Review Criteria for Water Quality-Based NPDES Permits for Toxic Pollutants and Effluent Toxicity? What problems are States encountering? What assistance do the States need to meet the statutory deadline? (B) What problems are the Regions anticipating in EPA workload due to State inaction to implement 304(1)? (C) Is there any evidence of a new backlog EPA/State expired major permits? Has the Region assessed the reasons? What are the Regions' plans to address the problems? (D) Are short term permits still being issued? Do many permits have reopener clauses for incorporating effluent guidelines/new limits resulting from toxicity testing/study requirements where uncertainties/unknowns remain?	(a) Track, against targets, the number of permits reissued to major facilities during FY 89 (NPDES States and non-NPDES States). (b) Identify the number of permits reissued and the number modified during FY 89 that reflect water quality based assessments for toxics. Of these, report the number that are Individual Control Strategies. (NPDES States, non-NPDES States; report majors and 304(1) listed minors separately.) (c) List the permits identified in (b) which include water quality based whole effluent toxicity limits. (d) Track progress against targets for the number of municipal permit modifications to incorporate the pretreatment implementation requirement. (NPDES States/non-NPDES States).	Yes/SPMS WQ-11 Yes/SPMS WQ-12 No/No No/OW	Quarterly Quarterly Second/ Fourth Quarters Second/ Fourth Quarters

WATER ENFORCEMENT AND PERMITS

Permits

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
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1. Issue/Reissue Industrial and Municipal Permits (continued)

(E) Have Regions/States developed plans for reevaluating the major/minor classification of significant minor and major permits consistent with national guidance? What percentage of reclassification will be completed by the end of FY 89? How many new major permits have been identified?

(F) Have Regions/States designated stormwater discharges requiring applications for NPDES permits? What is the process used to identify such discharges?

(G) What is the nature of the modifications being made to industrial/municipal major permits? Discuss this workload of the Region/States in relation to permit issuance and other permitting activities. What are the resource implications? How does the Region track permit modifications?

(H) Discuss process and timing for modifying POTW permits to incorporate enforceable implementation requirements for revised/newly approved pretreatment programs and related reporting requirements. Are subsequent local program changes incorporated in a timely manner? Is there a backlog? What priority is given to assuring POTW permits are modified to reflect current local pretreatment programs?

WATER ENFORCEMENT AND PERMITS

Permits

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
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1. Issue/Reissue Industrial and Municipal permits (continued)

(I) What actions have the Regions/St-ates taken to identify major and water quality minor discharges to Indian lands and assure they are permitted?

2. Develop Appropriate and Enforceable Permit Conditions

(A) Are Regions/States performing complex water quality/toxic assessments for all major industrial and municipal permits? Are permits addressing bioaccumulation/human health concerns?

(B) Are industrial or municipal permittees encountering problems identifying sources of toxic or toxicity reduction control methods? Discuss the Regions/States experiences, problems. Are 308 letters (or similar State mechanisms) being used in lieu of permits requirements to identify permittees with potential water quality impacts?

(C) Discuss any problems encountered by Region/States with respect to permit monitoring requirements and general conditions, especially in relation to toxic pollutants.

WATER ENFORCEMENT AND PERMITS

Permits

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
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2. Develop appropriate and enforceable permit conditions
 Permit Conditions (continued)

(D) To what extent are States/Regions developing industrial permit conditions using best professional judgement? Is the technical support for these judgements adequate? Are rationales for BPJ determinations documented in the fact sheets or statements of basis? If not, what additional support is needed? Are the resolutions satisfactory and timely?

(E) To what extent do Regions/States municipal or industrial permits contain monitoring and reporting requirements for toxics in their effluent and/or sludge.

3. Issue New Source/Major New Discharger Permits

(A) Is the Regions/States approach to new permits consistent with priority to protect water quality? Are there special problems in the new source area? Is there adequate coordination with other media programs where more than one EPA permit is required? Is construction ban being enforced? Have problems arisen in this area? Are NEPA reviews conducted smoothly and in a timely manner where required?

(a) Track # of new source/major new discharge permits issued.

No/No

Quarterly

(B) Are complex water quality/toxic assessments conducted before permit issuance? Are monitoring and reporting requirements imposed to verify assessments after permittee begins to discharge?

WATER ENFORCEMENT AND PERMITS

Permits

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
5. Resolve Evidentiary Hearings	(A) What are the Regions/States plans for eliminating the present permit appeals backlog? Discuss Water Division/Regional Counsel coordination on resolving backlogged hearings and on addressing new hearing requests related to the redefinition of secondary treatment or 301(h) permits, or other variances allowed by the CWA or Federal regulations? Are any hearing requests related to biomonitoring or toxicity-based permit conditions?	(a) (1) Identify, by Region, the number of pending evidentiary hearing requests and track, by Region, progress against quarterly targets for the evidentiary hearing requests pending at the beginning of FY 89 resolved by EPA and for the number resolved by NPDES States.	Yes/SPMS WQ-13	Quarterly
	(B) What are the Regions/States major issues? Has a pattern developed that indicates a need for program changes, including procedures, regulations, policy, guidance, technical assistance, etc?	(a) (2) Of those identified in (a) (1), indicate which are municipal and which are industrial. (b) Identify the number of evidentiary hearings (or other State appeal proceedings) request pending at the beginning of FY 89 that do not stay permit conditions, but delays any aspect of permit issuance or compliance with permit conditions (NPDES State/non-NPDES State). --municipal --nonmunicipal	No/No	10/15/88
			No/No	10/15/88

WATER ENFORCEMENT AND PERMITS

Permits

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
5. Resolve Evidentiary Hearings (continued)		(c) Track, against targets, the number of evidentiary hearings (or other State appeal proceedings that do not stay permit conditions) requests pending at the beginning of FY 89 resolved (NPDES States/non-NPDES States). --municipal --nonmunicipal	No/OW	Quarterly
		(d) Of all evidentiary hearing requests resolved in FY 89, identify number: --denied --settled without hearing --decided after hearing --withdrawn	No/No	Quarterly
6. Review and Approve/Deny Variance Requests	(A) How is the Regions/States variance process working? What are the difficulties? What additional support is needed, such as procedural changes, guidance or support from Headquarters? Discuss problems and successes. How are Regions/States complying with statutory deadlines for variances?	(a) Identify # of direct discharger variance requests pending at beginning of FY 89 (NPDES States, non-NPDES States): --FDF --301(c) --301(g) --301(k) --316(a) --316(b)	No/No	10/31/88

WATER ENFORCEMENT AND PERMITS

Permits

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
6. Review and Approve/Deny Variance Requests (continued)		(b) Track against targets the # of direct discharger variance requests pending at the start of FY 89 which are approved, denied, or forwarded to Headquarters with a recommendation (as required) in FY 89 (NPDES States and non-NPDES States): --FDF --301(c) --301(g) --301(k) --316(a) --316(b)	No/OW	Quarterly
		(c) Track, against targets, the number of indirect discharger FDF variance requests pending at the start of FY 89 which are denied/approved (NPDES States and non-NPDES States).	No/OW	Quarterly
		(d) Identify # of direct discharger variances requested during FY 89 (NPDES States, non-NPDES States): --FDF --301(c) --301(g) --301(k) --316(a) --316(b)	No/No	Quarterly

WATER ENFORCEMENT AND PERMITS

Permits

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
6. Review and Approve/Deny Variance Requests (continued)		(e) Track # of direct discharger variances requested during FY 89 which are approved, denied or forwarded to Headquarters with a recommendation (as required) in FY 89 (NPDES States, non-NPDES States): --FDF --301(c) --301(g) --301(k) --316(a) --316(b)	No/No	Quarterly
7. Implement CWA Amendment Sludge Requirements	(A) Identify "other measures taken" if any, to implement new sludge requirements. (B) Is the Region conducting a determination of whether a State permit is adequate to protect public health and the environment? What is the Region finding? Where a Region determines that the requirements are not adequate is the Region issuing a Federal permit? C) Are States incorporating sludge conditions into POTW permits?	(a) Track total number of NPDES and non-NPDES permits (major and minor separately) issued containing sludge conditions to priority facilities. (b) Track total number of NPDES and non-NPDES permits (major and minor separately) issued containing sludge monitoring requirements.	No/No	Quarterly
8. Promote the development of State sludge permitting programs	(A) Describe the progress of States in developing necessary elements of a State sludge permitting program.		No/No	Quarterly

WATER ENFORCEMENT AND PERMITS

Permits

REPORTING
FREQUENCY

IN SPMS/
COMMITMENT?

QUALITATIVE MEASURES

QUANTITATIVE MEASURES

ACTIVITIES

8. Promote the development of State sludge permitting programs (continued)

(B) Have the States completed their inventories of sludge use and disposal facilities? Are these list complete/accurate? What problems are States facing?

WATER ENFORCEMENT AND PERMITS

State Program Approval/Review/Oversight

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Approve NPDES State Program Requests	(A) What is Region's strategy for each State to achieve full/partial NPDES program administration? Indian tribes?	(a) Track, against targets, the number of NPDES program approvals and modifications in accordance with established schedules: --Full NPDES programs; --Pretreatment program modifications; --Federal facility modifications; --General permit authority	No/OW	Provide list at start of FY

(B) What progress is being made (State by State) with respect to NPDES States assuming general permits/pretreatment and federal facilities programs?

(C) Has the Region conducted an assessment of each State without general permit authority to determine requirements that must be met prior to State issuance of storm water general permits? Have the Region and State agreed upon a plan for each State to assume general permit authority?

D) Do FY 89 work programs/grant agreements have milestones for completing approval? What else is the Region doing to encourage State assumption? Is the Region considering further action in any of the States? Have the States been informed of the possibility of program withdrawal?

WATER ENFORCEMENT AND PERMITS

State Program Approval/Review/Oversight

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
2. Review Approved NPDES State Statutory and Regulatory Authority	(A) Has the Region had any difficulties in obtaining adequate documentation from the States to conduct these reviews? If so, what documents are usually needed, how are the difficulties being resolved, and how long are the delays? (B) Does the Office of Regional Counsel participate in the reviews? In what way? Do they participate in the process of selecting States for review and making commitments? Do they follow through with their work? In a timely manner? Are priorities a problem? If so, how are conflicts resolved? (C) Does the Region have a routine mechanism for learning of changes to State laws and regulations? If so, describe the process.	(a) Update the list of NPDES States for which Region will assess statutory and regulatory authority in FY 89. (b) Track progress for the number of NPDES States for which statutory and regulatory authority is assessed in FY 89.	No/No	Provide list at the start of the FY
3. Execute EPA/State NPDES Agreements	(A) What problems have arisen in the development of EPA/State NPDES agreements? How are they resolved? Are there any particular elements of national policy and guidance on State overview that have been difficult to implement? Do all the agreements include provisions for EPA evaluation of State penalty practices?		No/No	Second and Fourth Quarters
4. Provide Effective Oversight of Approved NPDES State Programs	(A) To what extent has the Region implemented the "Guidance of Oversight of NPDES Programs"?			

WATER ENFORCEMENT AND PERMITS

State Program Approval/Review/Oversight

IN SPMS/
COMMITMENT?

REPORTING
FREQUENCY

QUANTITATIVE MEASURES

QUALITATIVE MEASURES

ACTIVITIES

4. Provide Effective Oversight of Approved NPDES State Programs (continued)

(B) Does the Region carry out a program of regularly scheduled assessments of each approved NPDES State to assure the adequacy of funding and staffing and to assure a demonstrated ability to set program priorities and effectively implement the NPDES program? What is the frequency; who is involved; and where is it done? What is the nature and timing of follow-up? Does this include identification of State needs and problems, evaluation of performance and providing of technical assistance?

(C) How frequently does the Region conduct PQR, PTQR and WQPQRs? How many permits/programs are reviewed? How many industrial permits and what industrial categories? How many municipal permits? How are results provided to States and describe how Region verifies problem/deficiency is corrected?

(D) Does oversight of State compliance monitoring include an assessment of new toxic/toxicity monitoring requirements? Does the Region check the States compliance inspection activity with particular emphasis on toxic problems?

WATER ENFORCEMENT AND PERMITS

State Program Approval/Review/Oversight

IN SPMS/
COMMITMENT? REPORTING
FREQUENCY

QUANTITATIVE MEASURES

QUALITATIVE MEASURES

ACTIVITIES

4. Provide Effective Oversight of Approved NPDES Programs (continued)
(E) Where the pretreatment program is run by the State (in whole or part), how does the Region overview the performance of the State? What corrective actions are taken to correct identified deficiencies?

(F) How are 106 grants and the work program development process used to assure effective implementation of NPDES State programs? What enforcement and permitting priority areas identified in the FY 89 Operating Guidance are specifically addressed? Which ones are not and why?

WATER ENFORCEMENT AND PERMITS

RCRA Activities for NPDES Facilities

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Implement Corrective Action Requirements	(A) Has the Region/State identified all POTWs who receive hazardous wastes by dedicated pipe or manifested hazardous waste delivered by truck or rail? (B) Has the Region/State established a RCRA permit by rule for each subject POTW? (C) How many POTWs stopped receiving hazardous waste by truck, rail or dedicated pipe since the Regional/State notification of RCRA? (D) Has the Region/State begun the corrective action process for each POTW subject to the RCRA permit by rule, and established appropriate corrective action requirements? How were appropriate requirements established (e.g., RCRA RIDER permits, amendments to NPDES permits, other)? Is the first stage of the corrective action process, the RCRA Facility Assessment, specifically addressed?	(a) Identify, by Region, the number of RCRA 3007 information gathering letters issued and the number that remain to be issued by EPA/States to municipalities? (b) Identify number of POTW notifications received and the numbers reviewed. (c) Identify number of POTWs which receive hazardous waste by dedicated pipe or which receive manifested hazardous waste by truck or rail subject to RCRA. (d) Identify number of POTWs for which a RCRA permit by rule has been established. (e) Of those POTWs which receive hazardous wastes by truck, rail or dedicated pipe, report the total number of determinations made. Report determinations by: 1) number of determinations made that there is no need for corrective actions; and 2) number of determinations that there is a need for corrective actions.	No/No No/No No/No No/No No/No	Start of the FY Quarterly Quarterly Quarterly Quarterly

WATER ENFORCEMENT AND PERMITS

RCRA Activities for NPDES Facilities

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Implement Corrective Action Requirements (continued)	(E) How are the Regions/States/POTWs coordinating with RCRA/CERCLA staff in evaluating off-site removal of RCRA/CERCLA wastes into POTW collection systems?	(f) Identify number of POTWs for which initial stages of the corrective action process have been established to implement 3004(u) of RCRA. Initial stages include any or all of the specific steps of a RCRA facility assessment.	No/No	Quarterly
2. Review Double Liner Exemption Application	(A) Is the Region following decision making guidance for NPDES action on exemption applications? (B) What is the workload and how long, on the average, does the Region take to complete the NPDES review? (C) If a facility is not exempted, does installation of the liner affect NPDES permit compliance?	(g) List RCRA/CERCLA clean up projects in which a decision is made to discharge to a POTW. Specify control measure or pretreatment requirements in place.	No/No	Quarterly
3. Implement Regulatory/Pro-grammatic Changes Based on the Domestic Sewage Exemption Study	(A) Has the Region worked with POTWs to implement regulatory/programmatic changes (e.g. new local limits)? (B) Has the Region worked with NPDES States to initiate State regulatory/programmatic changes?			

WATER ENFORCEMENT AND PERMITS

Pretreatment

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Develop and Approve/Modify Local Pretreatment Programs	(A) What rationale does the Region/States use to add/delete municipalities from the list of required local programs? (B) What are the Region/States doing to encourage local program modifications where deficiencies are identified? Is the Region/State relying solely on the POTW to identify deficiencies? (C) When a local program submitted for approval is not acceptable, what follow-up action is taken by the Region/State if the local program is not resubmitted in the time prescribed by the Approval Authority?	(a) Identify the local pretreatment programs requiring approval but not yet approved at the beginning of the fiscal year and distinguish between those newly identified in FY 89 and those previously required. (list separately: nonpretreatment States, approved pretreatment States). (b) Track progress against targets for the programs approved during FY 1989 (list separately: non-pretreatment States, approved pretreatment States).	No/No	10/31/88
2. Take Actions as Required to Obtain Compliance with Pretreatment Requirements	(A) How do the Region/States ensure that local pretreatment programs are fully implementing NPDES permit pretreatment requirements? Other pretreatment program requirements? Are POTWs experiencing problems with implementing the significant noncompliance (SNC) criteria?	(a) Report, by Region, the number of pretreatment administrative orders issued by EPA to IUS and the number of pretreatment equivalent actions issued by States to IUS.	No/No	Quarterly

WATER ENFORCEMENT AND PERMITS

Pretreatment

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
2. Take Actions as Required to Obtain Compliance with Pretreatment Requirements (continued)	(B) What are the criteria the Region/States use to select pretreatment referral cases? What is the involvement of ORC in the selection and preparation of cases?	(b) Pretreatment Referrals (1) Report by Region the number of pretreatment State civil referrals sent to State Attorneys General, the number of criminal actions filed in State courts, the number of State cases filed, and the number of administrative penalty orders. (2) # of pretreatment referrals or State equivalent actions: --civil referrals sent to HQ/DOJ/SAG: --civil referrals filed; and --criminal referrals filed in response to: o POTW non-submittal of an approvable pretreatment program o other POTW pretreatment violations o industrial user pretreatment violations (list separately EPA, States)	Yes/SPMS WQ/E-11	Quarterly
	(C) What is the level of coordination for pretreatment cases between the compliance section and ORC in the Region and the respective agencies in the States? If less than satisfactory, what steps is the Region taking to improve coordination?		No/No	Quarterly
	(D) How do the Regions and States identify and respond to industrial noncompliance with categorical pretreatment standard deadlines in a municipality where there is an approved pretreatment program?			

WATER ENFORCEMENT AND PERMITS

Pretreatment

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
2. Take Actions as Required to Obtain Compliance with Pretreatment Requirements (continued)		(c) Identify, by State, the number of POTWs that meet the criteria for reportable noncompliance (RNC) and track by State the number of POTWs in that universe where action taken resolves the violation. Report EPA and State separately for each action taken: technical assistance, permit/program modification, or formal enforcement. Report, by State, the compliance status (RNC, resolved pending, resolved) of each POTW in the universe as of the end of the year.	Yes/SPMS WQ/E-10	Quarterly

(E) Is the Region/State using the Guidance on Reportable Noncompliance for Pretreatment Implementation to identify POTWs which should be listed on the QNCR? Is the Region/State having any difficulty in interpreting or using the Guidance? If so, in what areas?

(F) Has the Region provided training to POTWs on the Pretreatment Compliance Monitoring and Enforcement Guidance? What other steps have been taken to implement the Guidance?

WATER ENFORCEMENT AND PERMITS

Pretreatment

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
3. Oversee Effectiveness of Local Pretreatment Program Implementation	(A) How do Regions/States establish priorities for pretreatment oversight of POTWs? (B) How do Regions independently assess the effectiveness of POTW program implementation in pretreatment States?	(a) Track, by Region, against quarterly targets, the number of (1) audits of approved local pretreatment programs conducted by EPA and the number approved by pretreatment States; and (2) inspections of approved local pretreatment programs conducted by EPA and the number conducted by the States for POTWs.	Yes/SPMS WQ-14	Quarterly
	(C) What are the criteria used by EPA/States to select industrial users to be inspected? Do the Region/States place a priority on inspecting IUs subject to Federal categorical standards which are located where there is no local program? What do the results of these inspections indicate? What use is being made of IU results? Does the Region/State include personnel from the approved POTW in the IU inspection?	(b) Report number of EPA and State pretreatment inspections of: --IUs that discharge to unapproved POTWs --IUs that discharge to approved POTWs (list separately: IU of an unapproved POTW, IU of an approved POTW; EPA, States)	No/No	Quarterly
	(D) Does the Region/State use the Audit/PCI checklist in conducting POTW pretreatment reviews? If the checklist is modified, describe the modifications.	(c) Track # of POTW annual reports required/received/reviewed (non-pretreatment States, pretreatment States)	No/No	Quarterly

WATER ENFORCEMENT AND PERMITS

Pretreatment

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
3. Oversee Effectiveness of Local Pretreatment Program Implementation (continued)	(E) How are audits used by Region/States to overview implementation? What are the findings from these audits? What follow-up actions are taken when problems are identified? Do the Regions review State audits and reports? How often? Do Regions keep copies of State audits, reports, and follow-up documents on file?	(d) Identify # of POTWs that need to conduct local limits headworks loading analysis (non-pretreatment States, approved pretreatment States).	No/No	Quarterly
	(F) How are inspections used by Regions/States to overview implementation? What are the findings from these inspections? What follow-up actions are taken when problems are identified?	(e) Track # of POTWs requesting changes to local limits (non-pretreatment States, approved pretreatment States).	No/No	Quarterly
	(G) Are inspections used to track follow-up actions required by an earlier audit? If not, how is audit follow-up determined?	(f) Track, by Region, against quarterly targets, the number of pretreatment POTWs which Regions/States determine have issued adequate control mechanisms.	No/OW	Quarterly

(H) Aside from audits and/or inspections, what other oversight mechanisms are the Regions/States using to evaluate POTW performance year to year?

(I) Are annual report submissions by POTWs reviewed by the Region/State? What criteria are used for these reviews? Does the Region require the POTW to use the SNC definition in reporting on compliance by IUs?

WATER ENFORCEMENT AND PERMITS

Pretreatment

IN SPMS/
COMMITMENT?

REPORTING
FREQUENCY

QUANTITATIVE MEASURES

QUALITATIVE MEASURES

ACTIVITIES

3. Oversee Effectiveness of Local Pretreatment Program Implementation (continued)
- (J) Are POTWs considering all appropriate factors in developing local limits, including protection of water quality (State numeric standards and narrative "free from" standards, Federal criteria), sludge quality and worker health and safety? Characterize the changes being made to local limits. What is the Region/State strategy for assuring POTWs develop/implement adequate local limits? Do NPDES permits include toxicity limits and numeric limits for organic chemicals that may be used to establish local limits? Are they being reflected in local limits?
- (K) Are control mechanisms adequate? Are POTW enforcement procedures adequate? How is adequacy determined and what follow-up is taken when deficiencies are found? Are control mechanisms updated regularly to address new pollutant levels? Do mechanisms address organic pollutants, hazardous constituents or toxicity?
- (L) What mechanisms are being used by approval authorities to determine if local programs are properly applying categorical standards to IUs? To what extent are local programs failing to properly apply categorical standards? What problems are being encountered?

WATER ENFORCEMENT AND PERMITS

Pretreatment

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
3. Oversee Effectiveness of Local Pretreatment Program Implementation (continued)	(M) Are POTWs taking necessary enforcement actions against industrial users when they are in noncompliance? Where POTWs do not act expeditiously, what actions are the Regions/States taking?			
4. Enforce pretreatment Standards as a Control Authority	(A) Have Region/States completed an inventory of categorical industrial users in cities without required pretreatment programs? How were the inventories conducted? How will the inventory be maintained? (B) Does the Region/State notify these categorical industrial users of their pretreatment and RCRA responsibilities? (C) Does the Region/State receive and evaluate baseline monitoring reports, compliance reports, and periodic monitoring reports from IUs in non-pretreatment cities? How does the Region establish compliance schedules and monitoring frequencies?	(a) Identify # of categorical IUs in nonpretreatment cities (report non-pretreatment States and pretreatment States separately). (b) Track levels (percent) of significant noncompliance by categorical IUs in non-pretreatment cities. (Report separately for non-pretreatment States and pretreatment States).	No/No	3/89 and 9/89

WATER ENFORCEMENT AND PERMITS

Pretreatment

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
4. Enforce Pretreatment Standards as a Control Authority (continued)	(D) How do the Regions and States identify and respond to industrial noncompliance with categorical pretreatment standard deadlines in a municipality where there is an approved pretreatment program? Where there is not an approved pretreatment program? Are Regions/States having difficulty implementing the SNC definitions?			

WATER ENFORCEMENT AND PERMITS

Enforcement

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Identify Compliance Problems	(A) Do the Regions'/States' compliance rates show improvement in FY 1989? (B) Is the QNCR regulation/guidance being properly applied in the Region/States? Is the Region reviewing State QNCRs to ensure proper reporting? If reviews identify inadequate QNCRs what action is the Region taking? (C) Are there new reasons for municipal/nonmunicipal noncompliance in the Region/States? What is the Regions/States strategy for dealing with such noncompliance.	(a) Track, by Region, the number of major permittees that are: --on final effluent limits and --not on final effluent limits (list separately: municipal, industrial, Federal facilities; NPDES States, non-NPDES States). (b) Track, by Region, the # and % of major permittees in significant noncompliance with: --final effluent limits; --construction schedules; --interim effluent limits --reporting violations (list separately: municipal, industrial, Federal facilities; NPDES States, non-NPDES States)	Yes/SPMS WQ/E-4 Yes/SPMS WQ/E-5	Majors: Quarterly (Data lagged one quarter) Majors: Quarterly (Data lagged one quarter)
2. Expand Enforcement Efforts Under the National Municipal Policy	(A) Have the Region/States completed filed enforcement cases against major POTWs? If not, what is delaying action?	(a) Identify, by Region, the number of major municipalities on MCPS that are not in compliance with their schedule (report EPA/State separately).	Yes/No WQ/E-2	Quarterly

WATER ENFORCEMENT AND PERMITS

Enforcement

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
2. Expand Enforcement Efforts Under the National Policy (continued)	(B) To what extent are the Region/States still establishing permit/compliance schedules for all remaining POTWs?	(b) Report, by Region, the number of major facilities addressed by formal enforcement actions against municipalities that are not complying with their schedules (report EPA/State separately).	Yes/No WQ/E-3	Quarterly
	(C) How are the Region/States tracking and documenting noncompliance with all interim milestones (non-SNC) in permits/enforceable schedules? How are the Region/States responding to noncompliance with interim milestones in permits/enforceable schedules? How are schedules adjusted following slippage? Where no action is taken, what is the rationale?	(c) Of those reported in (b), provide a separate count for judicial orders.	No/No	Quarterly
	(D) If there is major slippage in a construction schedule, is the Region/State seeking judicially imposed schedules? If not, why not?			
	(E) Are the Region and the States enforcing MCP schedules for affected minors? When will this be completed?			
3. Ensure Industrial Compliance with BAT and Water Quality Based Toxic Requirements	(A) How do the Region and each State direct compliance monitoring efforts to enforce BAT and water quality based toxic requirements?			

WATER ENFORCEMENT AND PERMITS

Enforcement

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
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3. Ensure Industrial Compliance with BAT and Water Quality Based Toxic Requirements (continued)

(B) Do the Region and each State have sufficient laboratory and biomonitoring capability to conduct the necessary analysis to support toxic inspections?

(C) Are Regions/States implementing the Compliance Monitoring and Enforcement Strategy for Toxics Control?

4. Improve Quality and Timeliness of Enforcement Responses

(A) How has the mix of enforcement actions for the Region (AOs, penalty orders) changed since gaining authority to assess administrative penalties?

(a) ADMINISTRATIVE ORDERS

(1) Report, by Region, the total number of EPA Administrative Orders and total number of State equivalent actions issued; of these report the number issued to POTWs for not implementing pretreatment. Report the number of Class I and Class II proposed administrative penalty orders issued by EPA for:

--NPDES violations;

--pretreatment violations; or

--402 wetlands violations.

Yes/No
WQ/E-8

Quarterly

WATER ENFORCEMENT AND PERMITS

Enforcement

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
4. Improve Quality and Timeliness of Enforcement Responses (continued)	(B) Is the Region using the penalty authority effectively--in terms of number of orders issued, timely response and completion, effective negotiation and advocacy?	(2) Of those reported in (1) above, break out by the following categories: --municipal permittees (major/minor) --non-municipal permittees (major/minor) --Federal permittees (major/minor) --unpermitted facilities 402 --section 311 actions --SPOC (list separately: EPA, NPDES States). Note: We recognize that in some Regions these responsibilities are split between Divisions, in which case each Division should submit data for its appropriate piece.	No/No	Quarterly
	(C) Is the Region conforming to the Guidance on the use of Penalty Orders, including the addendum on the Penalty Policy?	(b) Track the total amount of EPA administrative penalties assessed.	No/No	Quarterly
	(D) Has the Region experienced any problems in carrying out the Class I or Class II hearing process? How frequently are hearings requested in each Class?	(c) <u>CLOSE OUT UNIVERSE</u> # of EPA AOs with final compliance dates between July 1, 1988 through June 30, 1989. (d) <u>CLOSE OUTS ACHIEVED</u> # and % of (b) which are successfully closed out (the final step is achieved or action is referred to Headquarters or DOJ).	No/No	10/15/88
			No/OW	Quarterly

WATER ENFORCEMENT AND PERMITS

Enforcement

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
4. Improve Quality and Timeliness of Enforcement Responses (continued)	(E) How frequently are comments from the public received on penalty orders? Have any consent decrees been modified by the RA as a result of public petition?	(e) <u>REFERRALS</u> (1) Report, by Region, the active State civil case docket, the number of civil referrals sent to the State Attorneys General, the number of civil cases filed, the number of civil cases concluded, and the number of criminal referrals filed in State courts.	Yes/No WQ/E-9	Quarterly
	(F) Does the Region routinely use 309(a) administrative orders in combination with penalty orders when compliance has not yet been achieved?	(2) # of 309 referrals or equivalent actions generated: --civil referrals sent to HQ/DOJ/SAG; --civil referrals filed; --criminal referrals filed (list separately: EPA, NPDES States)	No/No	Quarterly
	(G) How frequently does the Region have to institute collection actions to collect administrative penalties assessed? Do the NPDES States have administrative penalty authority? Does the State authority meet criteria for pre-emption of Federal action?	(3) Track the number of referrals (EPA and State) with penalties assessed.	No/No	Quarterly
	(H) Are the Regions/States working effectively with Federal facility coordinators to improve enforcement response times to instances of noncompliance by Federal facilities? If not, what is the nature of the problem? Are approved States using their full range of enforcement authority against Federal facilities? If so, what are the results? If not, why not?	(4) Track the amount of time lapsed from the time of initiation of the case to filing and the amount of time lapsed from filing to signing of the consent decrees. Report by State respectively.	No/No	Second and Fourth Quarters

WATER ENFORCEMENT AND PERMITS

Enforcement

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
4. Improve Quality and Timeliness of Enforcement Responses (continued)	(I) Do Region/States track AO requirements closely? Have all close-outs been reported to Headquarters? Are they reported promptly upon close out?	(f) Identify by name and NPDES number all permittees with active consent decrees and report their compliance status as follows: --in compliance with decrees; --in violation of decree, but remedial action taken; and --in violation of decree, no remedial action taken (list separately: major, minor; municipal, nonmunicipal, Federal).	No/No	Quarterly
	(J) How do the Region and States ensure that violations of Court Orders/AOs get prompt enforcement action?	(g) Track, by Region, the total number of settlements of Judicial/Consent Decrees filed in Federal Courts.	No/No	Quarterly
	(K) How is the enforcement agreement used to identify enforcement priorities and appropriate follow-up? How does the Region assess compliance with the agreements?	(h) # of follow-up actions on DMR/QA performance sample results: --nonrespondents; --permittees requiring corrective action; --major permittees with incomplete reporting.	No/No	Semi-annually: April 1, 1989 and October 1, 1989

(L) What is the level of coordination between the compliance section and ORC in the Region? Are there any problems in implementing the administrative penalty authority? If less than satisfactory, what steps is the Region taking to improve coordination?

WATER ENFORCEMENT AND PERMITS

Enforcement

REPORTING FREQUENCY	IN SPMS/ COMMITMENT?	QUANTITATIVE MEASURES	ACTIVITIES
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4. Improve Quality and Timeliness of Enforcement Responses (continued)

(M) What is the level of coordination between the NPDES States enforcement program and the state Attorney General's Office? Are there established procedures for coordination and communication? If less than satisfactory, what steps is the State taking to improve coordination? Are State AGs generally filing cases within the goal of 60-90 days?

(N) Have the Region and approved States negotiated a basis for Regional evaluation of the States' penalty program, including identification of sanctions which might be used in lieu of penalties and the documentation which must be maintained by the State for review? Are States complying with the provisions of the agreement on penalties? To what extent are States calculating economic benefit? Are States seeking penalties in the majority of cases? Are States getting the penalty amounts they are seeking?

(O) What problems is the Region encountering in assessing penalties using the CWA Penalty Policy? Is the Region experiencing problems/delays with Headquarters reviews? Explain. Is the Region generally getting the penalty amounts identified in the referral? What improvements could be made to the review process to speed up the referral process?

WATER ENFORCEMENT AND PERMITS

Enforcement

IN SPMS/
COMMITMENT? REPORTING
FREQUENCY

QUALITATIVE MEASURES

QUALITATIVE MEASURES

ACTIVITIES

(P) Do Regions/States use PCS to track compliance with consent decree schedules? If not, why not?

(Q) What types of action are being taken in response to violations of consent decrees? Are stipulated penalties collected? Are civil contempt proceedings initiated? Are the decrees modified? Are additional compliance monitoring requirements imposed?

(R) What are the reasons for the Regions/States failure to take remedial action against permittees that violate their consent decrees?

(S) What problems still need to be addressed by the Region/States to make the DMR/QA program more effective? Should it cover pretreatment?

(T) How do you ensure the quality of data collected by permittees and subsequent data transfer, and data storage in PCS?

(U) How do you promote better quality of future DMR data when drafting new permits?

4. Improve Quality and Timeliness of Enforcement Responses (continued)

WATER ENFORCEMENT AND PERMITS

Enforcement

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
4. Improve Quality and Timeliness of Enforcement Responses (continued)	(V) What procedures does the Region have in place to identify criminal cases? What role does the Office of Regional Counsel play in identification and case development? Has the staff provided technical support for criminal investigations and prosecutors? How has the Region made use of the new CWA criminal enforcement authorities?			
5. Non-NPDES Enforcement	(W) What is the trend in the number of EPA formal enforcement actions relative to State activity since the implementation of the timely and appropriate criteria in FY 85? (A) Have the Region/States taken any enforcement actions to protect water, including wetlands, from unpermitted discharges of solid waste? (B) What criteria does the Region use in determining where Spill Prevention Control and Countermeasure Plan inspections should be conducted? Does the Region always require that the plan be amended after a spill of 1,000 gallons or more?			
6. Increase Use of PCS as the Primary Source of NPDES and Pretreatment Program Data	(A) Describe the use of PCS by the States and the Region and explain what steps are or need to be taken to comply with the PCS Policy?	(a) Track, by Region, against targets, the percent of data entry of WENDB elements for pretreatment and NPDES.	No/OW	Quarterly

WATER ENFORCEMENT AND PERMITS

Enforcement

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
6. Increase Use of PCS as the Primary Source of NPDES and Pretreatment Program Data (continued)	(B) What actions are Region/States taking to improve the quality of PCS data? (C) Do the Region/States use the preprinted DMR form to minimize compliance tracking problems and PCS entry workload? What is the Region doing to encourage the States to use preprinted DMRs? If the States are not using preprinted DMRs, why? (D) How is the Region encouraging direct State use of PCS? Is the Region giving priority in assistance and program grant funding to States that are direct users of PCS? If States are not using PCS consistent with the PCS Policy Statement are grant conditions being imposed to expedite compliance?			
7. Improve Effectiveness of Inspection Activities	(A) Do the Region/States have annual compliance inspection plans for each State? How does the Region provide its States with advance notice of inspections? Discuss how Regional and State efforts are coordinated. Discuss use of independent and joint inspections and State file reviews to overview the State inspection program.	(a) Track, by Region, against targets, the number of major permittees inspected at least once (combine EPA and State inspections and report as one number).	Yes/SPMS WQ/E-12	Second and Fourth Quarters

WATER ENFORCEMENT AND PERMITS

Enforcement

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
7. Improve Effectiveness of Inspection Activities (continued)	(B) How do Regions/States determine which facility and what type of inspection to conduct?	(b) # of inspections: --permittee inspections (list separately: major, minor; municipal, non-municipal, Federal; EPA, State) --toxic inspections --biomonitoring inspections	No/No	Quarterly
	(C) Why are total number of inspections large, yet all majors are not inspected at least once?	(c) Identify the number of Regional and State inspection plans.	No/No	October 1, 1988

(D) How do Regions/States determine the need for toxic/toxicity inspections/TREs?

(E) Do the Regions/States prepare quarterly lists of facilities to be inspected? Is the inspection mix consistent with the "primary use" criteria included in the NPDES Inspection Strategy?

(F) How do the Regions/States use DMR/QA performance sample results for targeting compliance inspections?

(G) What mechanism is used to assure that inspection results are provided to the Regions/States in a timely manner? Are the data entered into PCS only after the report has been completed and signed by the reviewer or supervisor?

WATER ENFORCEMENT AND PERMITS

Enforcement

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
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7. Improve Effectiveness of Inspection Activities (continued)

(H) How does the Region/State follow-up when inspection results are unsatisfactory? When Region uncovers problems, does the Region/State follow-up with a more intensive inspection?

(I) Have the Region/States verified that Reconnaissance Inspections of major permittees counted for coverage purposes were conducted at major permittees meeting the requirements specified in the definition section?

8. Update and Use EMS Enforcement Procedures

(A) For each State/Region which still do not have written EMS procedures, when will the Region/States have written updated procedures?

(B) Have the Region/States implemented use of the Violation Review Action Criteria included in the FY 1986 EMS as the basis for determining when violations should receive professional review? Do Regions/States follow the Enforcement Response Guide (ERG)? If not, when will the Region/States begin to use these criteria or equivalent criteria and the ERG?

WATER ENFORCEMENT AND PERMITS

Enforcement

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
8. Update and Use EMS Enforcement Procedures (continued)	(C) What kinds of formal enforcement actions are the Region/States using? Has the Region reviewed each States enforcement instruments to ensure that they meet the definition of formal action? Have the States made any necessary statutory or regulatory changes to ensure equivalency of State administrative mechanism equivalent to EPA section 309 AOs?			
9. Use Guidance Criteria and Milestones for Response to Noncompliance	(D) What kinds of informal actions (if any) are the Region/States using in lieu of formal enforcement action? Are these actions documented properly? Are they effective? (A) What is the screening process used by the Region and States for identifying violations and applying SNC criteria? How are short term violations requiring Regional/State judgement handled? Does the Region use the Exception List as a way of tracking State programs?	(a) <u>EXCEPTION LIST UNIVERSE</u> (1) Identify, by Region, the number of major permittees in significant noncompliance on two or more consecutive QNCRS without returning to compliance or being addressed by a formal enforcement action (persistent violators). Of these numbers, identify how many are in significant noncompliance for three quarters and how many for four or more quarters. (List separately: municipal, industrial, Federal facilities.)	Yes/No WQ/E-6	Quarterly (Data lagged one quarter.)

WATER ENFORCEMENT AND PERMITS

Enforcement

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
9. Use Guidance Criteria and Milestones for Response to Noncompliance (continued)	(B) What management level reviews the Exception List and how is it used? How do the Region and States use the Exception List to establish a priority for committing compliance/enforcement resources? (C) What problems have the Region/States been facing that would prevent them from meeting the timeliness prescribed? Which States consistently miss commitments?	(2) Identify by name and NPDES number major permittees appearing on two or more consecutive QNCRS as being in significant noncompliance with: --final effluent limits (FEL) --construction schedules (CS); --interim effluent limits (IEL) without being returned to compliance or addressed with a formal enforcement action. (List separately: municipal, industrial, Federal facilities; NPDES States, non-NPDES States).	No/No	Quarterly (Data lagged one quarter.)
	(D) Is there consistent application of the criteria/milestones from State to State within the Region? If not, what steps is the Region planning to take to improve consistency?	(b) <u>EXCEPTION LIST TRACKING</u> (1) Report, by Region, the number of major permittees that are on the previous exception list which have returned to compliance during the quarter, the number not yet in compliance but addressed by a formal enforcement action, and the number that were unresolved as of the end of the quarter. (List municipal, industrial, Federal facilities separately.)	Yes/No WQ/E-7	Quarterly (Data lagged one quarter.)

WATER ENFORCEMENT AND PERMITS

Enforcement

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SEMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
9. Use Guidance Criteria and Milestones for Response to Noncompliance (continued)		(2) Identify the names and total number of major permittees listed in the Exception List universe for the previous quarter for which one of the following has occurred: --# returned to compliance --# not yet in compliance but addressed with a formal enforcement action --# that are unresolved as of the end of the quarter, and the number of consecutive quarters each facility has appeared on the QNCR. (List separately: municipal, industrial, Federal facilities; SNC with FEL, CS, IEL; NPDES States, non-NPDES States).	No/No	Quarterly (Data lagged one quarter.)

MUNICIPAL POLLUTION CONTROL

Municipal Wastewater Transition to State/Local Self-sufficiency

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Manage Program to Meet Outlay and Obligations.		(a) Track, by Region, progress against quarterly targets for (1) net outlays for construction grants and (2) net outlays for State Revolving Fund (SRF) Program.	Yes/SPMS WQ-8	Monthly/ Quarterly
		(b) (1) % of cumulative gross construction grant obligations to commitment.	No/OW	Quarterly
		(b) (2) % of cumulative gross SRF grant obligations to commitment.		
2. Manage transition from Construction grants to SRF.	(A) Has the Region negotiated overview workplan for SRF?	(a) Track, by Region, progress against quarterly Regional-Headquarters targets for the number of States, by name, which have been awarded an SRF capitalization grant (cumulative by quarter).	Yes/SPMS WQ-9	Quarterly
		(b) Number of States which submit an acceptable strategy document for phasing out the construction grants program.	No/OW	Q3
		(c) Number of Annual Reports on SRF.	No/OW	Q2,Q4

MUNICIPAL POLLUTION CONTROL

POTW Technologies and Information Transfer

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
1. Maintain a formal program for providing information and technical assistance to small communities.	(A) Describe the problems (if any) States are encountering in developing/implementing effective outreach programs. Identify what actions Headquarters and/or the National Small Flows Clearinghouse can take to assist in making outreach programs more effective. (B) Describe how well the States are making use of agencies/groups outside the State water pollution control agency; how the wastewater outreach program is coordinated with the drinking water outreach program, the direct efforts of Regional Office personnel in small community outreach (e.g., participation in conferences, workshops, newsletters, etc.), and any special provisions to accommodate the information and technical assistance needs of small communities in SRF programs.	(a) Number of States implementing formal, proactive small community assistance programs.	No/OW	2nd/4th Quarters
2. Improve aspects of program to efficiently use available funds to meet environmentally acceptable criteria and standards.	(A) How is the Region encouraging the beneficial use of sludge and managing a technology transfer program, including conventional technologies and innovative/alternative technologies? How is the Region managing feedback to design and information dissemination for wastewater treatment practices, including sludge?			

Municipal Wastewater Infrastructure Protection

A-99

MUNICIPAL POLLUTION CONTROL

Management of the On-going Construction Grants Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>COMMITMENT?</u>	<u>FREQUENCY</u>
1. Eliminate backlogs and manage grants efficiently.	(A) What are the individual State's strategies for managing project schedules through closeout? What are the individual State's strategies for ensuring that all projects initiate operations in a timely manner? What steps do States take when projects do not initiate operations in a timely manner?	(a) Number of construction grants projects which initiate operations during FY 1989. (b) Track, by Region, progress against quarterly targets for the number of backlogged, Step 3, 2&3, Step 7, Marine CSO, and PL 84-660 projects administratively completed.	No/OW Yes/SPMS WQ-10	Quarterly Quarterly
	(B) Has the Region effectively negotiated annual workplans with each State which eliminate backlogs, highlight National priorities and maintain quality throughout the program?	(c) Number of backlogged Step 1 and Step 2 projects administratively completed. (d) Total dollar value (grant amounts) in pre-construction lag status expressed as a percent of annual allotment.	No/OW No/No	Quarterly Quarterly

MUNICIPAL POLLUTION CONTROL

Management of the On-going Construction Grants Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
2. Manage State/Regional Grant Disputes Resolution Procedures and Tracking Systems to monitor States.	(A) Are the Regions managing a dispute decision process under Subpart L that results in high quality decisions and fewer requests for reconsideration.	(a) Number of assistance disputes arising under 40 CFR Part 30, Subpart L, for which decisions are issued by the RA, or are settled or withdrawn.	No/OW	Quarterly
3. Manage Priority Lists and assess municipal wastewater treatment needs to improve the environment and to implement the SRF program.	(A) How are the 1987 WQA sludge and toxics requirements (including the Section 304(l) list of POTWs discharging toxic pollutants) addressed through State Priority Systems and PPLs; how are States supporting the automated Needs Survey?	(a) State priority lists submitted by Aug. 31, accepted September 30, and entered in GICS no later than October 31.	No/No	First Quarter

MUNICIPAL POLLUTION CONTROL

Management of the On-going Construction Grants Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
4. Maintain a program to ensure quality construction and safety.	(A) How are Regions and States working to improve project safety?	(a) Track, by Region, the number of project inspectors trained in monitoring project safety. (b) Number of Regional-OSHA Agreements Executed.	No/OW	Quarterly
5. Oversee the Corps IAG to see that Work-Plan commitments are achieved.	(A) Does the Region have an integrated and comprehensive overview and follow-up program which covers both the Corps and States for like activities?	(a) % of Corps utilization vs. workplans. (b) Number of final construction inspections conducted by the COE.	No/No No/OW	Quarterly Quarterly

MUNICIPAL POLLUTION CONTROL

Management of the On-going Construction Grants Program

<u>ACTIVITIES</u>	<u>QUALITATIVE MEASURES</u>	<u>QUANTITATIVE MEASURES</u>	<u>IN SPMS/ COMMITMENT?</u>	<u>REPORTING FREQUENCY</u>
6. Improve Facility Performance.	(A) What is the Region/State Strategy for ensuring that all grantees are able to provide a valid affirmative certification upon completion of the one year performance period? What Steps are taken to ensure that grantees implement corrective action plans on schedule? What steps are taken if grantees do not certify? How will the Regional/State oversight activities be used to ensure compliance?	(a) Number of affirmative certifications that are behind schedule or are targeted to certify within measurement period. (b) Number of projects and % of projects that provide certification on schedule without corrective action.	No/No	Quarterly
7. Improve technical aspects of program management to promote best use of available funds.	(A) Is the Region effectively managing technical program activities including the VE Program; feedback to design and information dissemination?	(a) % of accepted VE dollar savings.	No/No	Annually FOY
8. Effectively manage GICS to Improve Usage for Program Management.	(A) Is the Region managing GICS so that it is reliable and accurate, supportive of priorities, utilized as an effective management tool by delegated States, and is readily available to end-users?			

APPENDIX B

DEFINITIONS

AND

PERFORMANCE EXPECTATIONS

FOR

QUANTITATIVE MEASURES

DRINKING WATER/PUBLIC WATER SYSTEM SUPERVISION

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

INDIAN TRIBES APPLICATIONS

- 1(a) Report, by a Regional total, the number of: 1) Indian tribes requesting funds under state program regulations, or
2) Indian tribes which have applied for treatment as a State.

This measure will report the numbers of applications for funds under State program regulations that have been received from Indian Tribes, and the numbers of applications for treatment as a State. The data should be reported twice during FY '88 -- for the 2nd and 4th quarter OWAS reports. Further, the Regional self evaluation should list the names of the Tribes for which applications have been received.

IDENTIFYING SNCs & EXCEPTIONS

- 4(a) Report against an annual target, number of SNCs and the net percent change in the number of SNCs occurring from the fourth quarter of FY '88 to the fourth quarter of FY '89, separately for the following groups:
1) micro/turbidity/TTHM SNCs
2) chem/rad SNCs

This measure will report the total number of CWSSs which meet the definition of SNC for either a microbiological MCL and/or M/R requirement, a turbidity MCL and/or M/R requirement, a TTHM M/R requirement or an inorganic, radiological or organic requirement. Regions are to report two numbers 1) micro/turbidity TTHM SNCs, 2) chem/rad SNCs. The number of micro/turbidity/TTHM SNCs will be compiled four times in support of the FY '89 SPMS - on 1/1/89, 4/1/89, 7/1/89, and 10/1/89, and because data are lagged one quarter, these totals will be based on SNCs identified in compliance periods ending on 6/30/88, and 6/30/89. The number of chem/rad SNCs will be compiled once in the second quarter.

(See SPMS DW/E-1)

(NOTE: for all OWAS measures, report State-by-State and include a Regional total for Indian lands where appropriate)

DRINKING WATER/PUBLIC WATER SYSTEM SUPERVISION

QUANTITATIVE MEASURE

IDENTIFYING SNCs & EXCEPTIONS
(Cont'd)

DEFINITION/PERFORMANCE EXPECTATION

Each State shall set a target for the net percent change in number of SNCs from the last SPMS report of FY'83 (10/1/88) to the last SPMS report of FY'89 (10/1/89). The goal for the national total of SNCs reported to SPMS for the 10/1/89 report is approximately 10% less than were reported to SPMS 12 months earlier, for the 10/1/88 report. The success of this commitment partially depends on effective State-initiated enforcement or compliance action taken prior to a facility reaching SNC status.

Performance expectations for an individual State may vary from this national goal based on individual circumstances. Regions are to negotiate each State's target based upon that State's current compliance statistics and capabilities for violation reduction. While some States will negotiate targets which are less than 10%, we also expect some States to be able to achieve more than a 10% reduction. The national goal should not be interpreted as being the maximum reduction that a State should strive for if it is capable of greater reduction.

The definition of SNC is contained in the last page of this package.

4(b) Report against the "new" microbiological, turbidity, and TTHM (monitoring) SNCs from 2 quarters ago, the number which: returned to compliance; had a formal enforcement action taken against them; or became exceptions this quarter.

This measure will report the number of CWSs which meet the definition of "new" SNC for micro, turbidity or TTHM requirements and "new" SNC for inorganic, radiological, or organic requirements, for the first time two quarters ago (April 1, 1988 for chem/rads), which returned to compliance, had a formal enforcement action taken against them, or became exceptions this quarter. Regions are to report the aggregate number of systems (for micro/turbidity/TTHM, and chem/rad), rather than reporting the numbers separately for each of the contaminant groups, to eliminate double counting.

DRINKING WATER/PUBLIC WATER SYSTEM SUPERVISION

QUANTITATIVE MEASURE

IDENTIFYING NEW EXCEPTIONS/
RESOLVING NEW SNCs (Cont'd)

4(b) (Cont'd)

Report against the "new" chemical and radiological SNCs identified on April 1, 1988, the number which: returned to compliance; had a formal enforcement action taken against them; or became exceptions this quarter.
(See SPMS DW/E-2)

DEFINITION/PERFORMANCE EXPECTATION

"Returned to compliance" for SNCs of the microbiological MCL and/or M/R requirement a turbidity MCL, and/or M/R requirement, or a TTHM M/R requirement, is having no months of violation (either MCL or M/R), of the same contaminant which caused the system to become an SNC, during the six month period after the system was identified as an SNC.

The "new" micro/turbidity/TTHM SNCs will be compiled four times in support of the FY'89 SPMS. The "new" chem/rad SNCs will be reported in the second quarter of FY'89.

Combining all exceptions measures into one is premised upon the Regions providing HQs with the system-specific Exceptions Report. ODM will provide format for the Exceptions Report by April 1, 1988.

Timeliness for SNCs of microbiological MCL and or M/R, turbidity MCL and/or M/R, or TTHM M/R requirement is 3 months after the CWS became an SNC. [Two months for the State (or Region where the Region is the primary agent) to determine, and become aware of, the CWS's SNC status and six months in which to complete the follow-up/enforcement action].

An "formal enforcement action" for Primary States (not Regions operating DI programs) for SNCs (or Exceptions) are any of the following:

- (a) the issuance of a bilateral, written compliance agreement signed by both parties, which includes a compliance schedule.
- (b) the issuance of an Administrative Order, Compliance Order, or the State equivalent.
- (c) the referral of a civil judicial case to the State Attorney General.
- (d) the filing of a criminal case in an appropriate court of the State.

"An SNC (or Exception) which has been appropriately addressed by the Region is defined in the Annual PWSS Enforcement Agreement Guidance and SPMS/OWAS Reporting Guidance, published in April, 1988.

DRINKING WATER/PUBLIC WATER SYSTEM SUPERVISION

QUANTITATIVE MEASURE

IDENTIFYING NEW EXCEPTIONS/
RESOLVING NEW SNCs
(Cont'd)

DEFINITION/PERFORMANCE EXPECTATION

"Returned to compliance," and "appropriately and timely addressed by the State" for chem/rad SNCs are the same as the definition for micro/turbidity/ TTHM SNCs.

"Returned to compliance" for SNCs of chemical or radiological analytical levels is conducting analysis which demonstrates that the system no longer exceeds the level prescribed in guidance above which exemptions may not be issued.

"Returned to compliance" for SNCs of a chemical (other than TTHM) or radiological monitoring requirement is conducting the required monitoring and determining that the system does not exceed the analytical level prescribed in guidance above which exemptions may not be issued.

RESOLVING EXCEPTIONS

- 4(c) Report the number and percent of exceptions identified through the prior quarter which have since returned to compliance, had a formal enforcement action taken against them, or remain exceptions as of this quarter for:
- 1) micro/turbidity/TTHM exceptions
 - 2) chemical and radiological exceptions

(See SPMS DW/E-3)

This measure will track the follow-up actions on Exceptions Systems.

Exceptions systems are those which have not been addressed in an appropriate and timely manner.

DRINKING WATER/PUBLIC WATER SYSTEM SUPERVISION

QUANTITATIVE MEASURE

MEASURING TOTAL STATE AND
FEDERAL ENFORCEMENT ACTIVITY

5(a) Report the total number of EPA administrative orders, the total number of State equivalent actions issued, EPA § 1431 emergency orders and the total number of EPA complaints with penalties. (SPMS DW/E-4)

5(b) Report the number of civil actions referred to State Attorneys General, the number of civil cases filed by the AGs, the number of criminal charges filed by the AGs, the number of civil cases concluded by the AGs and the number of criminal cases concluded by the AGs.
(See SPMS DW/E-5)

DEFINITION/PERFORMANCE EXPECTATION

This measure is intended to identify the level of effort of formal enforcement activity occurring at the State and Federal levels. The measure is to include actions taken against any system (regardless of whether it is classified as an SNC or non-SNC, or whether the violation is against a Federal requirement or State requirement.)

The information should include all the actions occurring during the quarter-- it is not cumulative. This measure will be compiled four times during FY'89 -- for the first, second, third, and fourth quarter SPMS report. AO actions "in the works" should not be counted. These will likely be finished in the subsequent 3 months and Regions would therefore get credit for them in the following reporting period. (State equivalent actions include Federal and State activities. For State actions it includes AOs, and bilateral compliance agreements. For EPA actions it includes final AOs.)

The performance expectations for individual Regions for the number of proposed and final AOs should be roughly equivalent to suggested minimum benchmark targets derived from the Enforcement Model -- FY 1989.

The information should include all the actions occurring during the quarter -- it is not cumulative. This measure will be compiled four times during FY'89. Cases/charges "in the works" should be counted in the reporting period when they are concluded.

Criminal charges filed by the AGs include criminal indictments and criminal informations. Civil cases are concluded when a signed consent decree is filed with the State Court; a judge issues a decision; a case is dismissed by the State Court, a case is withdrawn by the State Attorney General after it is filed in a State Court; or the State Attorney General declines to file the case

Federal referrals will be reported by the Office of Enforcement and Compliance Monitoring (OECM); State referrals will be reported by the Regions.

DRINKING WATER/PUBLIC WATER SYSTEM SUPERVISION

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

MEASURING TOTAL, STATE & FEDERAL
ENFORCEMENT ACTIVITY (Cont'd)

5(c) Report, by State and by a Regional total for Indian Lands, the number of public hearings held by the Region in support of issuing a Federal A.O. during the quarter. (Is not restricted to SNCs. Report activity on SNCs and non-SNCs separately.)

This measure will identify the number of public hearings being required to support the AOs being issued by the Region. The measure will include public hearings in support of Federal AOs regardless of whether the AO is issued for an SNC or non-SNC.

Actions should be reported, by State, in two categories -- hearings held for administrative enforcement actions against SNCs, and those held for administrative enforcement actions against non-SNCs.

The information should include only hearings occurring during the quarter -- it is not cumulative.

MAINTAIN SANITARY SURVEY
PROGRAM

6(a) Report, by State, the number of CWSs which have had a Class I sanitary survey conducted on them by the State during the quarter.

This measure will indicate how many CWSs are being routinely surveyed, by primary States, as a preventative tool to protect public health. A Class I sanitary survey is - "a comprehensive evaluation of all water system components and operation and maintenance procedures. This survey, conducted on a routine basis (no less frequently than three years) includes, but is not limited to: data collection and analysis, a diagnostic approach to determine the adequacy of the entire water system in producing and distributing safe drinking water, and a written report of the findings."

The numbers of surveys will be collected for each of the 4 quarterly CWSAS reports. Each will be lagged one quarter, e.g. the first quarter report (1/1/89) will include those CWSs receiving a survey during the period (7/1/88-9/30/88).

DRINKING WATER/PUBLIC WATER SYSTEM SUPERVISION

QUANTITATIVE MEASURE

MAINTAIN SANITARY SURVEY PROGRAM (Cont'd)

- 6(b) Report, by Region, the number of CWSs which have had a Class I sanitary survey conducted on them by the Region during the quarter. Report in three categories:
- 1) non-primacy States,
 - 2) total Indian Lands, &
 - 3) primacy States.

DATA MANAGEMENT

- 7(a) Report on which States the Region has initiated or completed a data verification during the last 12 months.

DEFINITION/PERFORMANCE EXPECTATION

This measure will indicate how many CWSs are being routinely surveyed by the Region. A Class I survey is defined in measure 6(a) above.

Regions should report their sanitary survey activity in three categories - those conducted in non-primacy States, those conducted on Indian land systems and those conducted on systems in primacy States (these include both joint State/EPA surveys and EPA surveys without State accompaniment).

The numbers of surveys will be collected for each of the 4 quarterly OWAS reports. Each will be lagged one quarter, e.g. the first quarter report (1/1/89) will include those CWSs receiving a survey during the period (7/1/88-9/30/88).

This measure will report the number, and names, of States on which the Region initiated a new, or completed a previously initiated, data verification effort during the period 4/1/88 through 3/31/89. This information will be collected only once during the year, and will be submitted by the Region with their self evaluation.

DRINKING WATER/PUBLIC WATER SYSTEM SUPERVISION

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

FEDERAL FACILITIES

8(a) Report, by State, the number and percent of Federal facility CWSs which are SNCs of:

- 1) a microbiological, turbidity, or TTHM requirement,
- or 2) an organic (other than TTHM), inorganic or radiological requirement.

This measure will report the number and percent of Federal facility CWSs, within each State, which meet the definition of a SNC. The measure will be reported only once during the year, for the second quarter report (4/1/89) and will reflect violations which occurred between 10/1/87 through 9/30/88.

Report one aggregate number for group (a) micro/turb/TTHM, and one aggregate number for group (b) chem/rad.

8(b) Report, by State, the number of Federal facility CWSs which have received a Class I sanitary survey or compliance inspection.

This measure will report the number of Federal facility CWSs which received either a Class I Sanitary Survey or a compliance inspection. Report measure for second quarter report (4/1/89) to reflect violations between 10/1/87 thru 9/30/88.

LEAD BAN

10(a) Report State activities for implementing the lead ban requirements, for all States without lead ban currently in place.

This measure will identify State activity for implementing the Federal lead ban requirements for States without lead ban currently in place. The data will be reported for each of the 4 quarterly OWAS reports.

Note that the data will be reported "real time" -- no lag.

10(b) Report how States are enforcing the lead ban, and the public notification requirements for lead.

This measure will identify how States are enforcing the lead ban, and the public notification requirements for lead. The data will be reported for each of the 4 quarterly OWAS reports.

Note that the data will be reported "real time" -- no lag.

DRINKING WATER/PUBLIC WATER SYSTEM SUPERVISION

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

DEFINITION OF A SIGNIFICANT NONCOMPLIER FOR THE PWSS PROGRAM:

an SNC is a community water system which meets any of the following criteria:

- 1 - violates the microbiological MCL for 4 or more months during any 12 consecutive month period, or
- 2 - violates the turbidity MCL for 4 or more months during any 12 consecutive month period, or
- 3 - is a "major" violator of the microbiological monitoring or reporting requirements for 12 consecutive months, or
- 4 - is a "major" violator of the turbidity monitoring or reporting requirements for 12 consecutive months, or
- 5 - is a "major" violator of the TTHM monitoring or reporting requirements for 12 consecutive months, or
- 6 - violates the microbiological MCL or is a "major" violator of the microbiological monitoring requirements for a combined total of 12 consecutive months, or
- 7 - violates the turbidity MCL or is a "major" violator of the turbidity monitoring requirements for a combined total of 12 consecutive months, or
- 8 - exceeds the level for any regulated inorganic, organic (excluding TTHM), or radiological contaminant, prescribed in guidance above which exemptions may not be issued, or
- 9 - exceeds the level for TTHM, prescribed in guidance above which exemptions may not be issued, for 2 or more annual averages during the year, or
- 10 - fails to monitor for, or report the results of, any one of the currently regulated inorganic, organic (other than TTHM), or radiological contaminants since the Federal requirements for the contaminant became effective - (June 24, 1977), or
- 11 - violates a requirement of a written, and bilaterally negotiated compliance schedule.

EXCEPTION - An exception is an SNC which was not appropriately addressed within the required time period.

MAJOR VIOLATOR OF A MONITORING OR REPORTING REQUIREMENT - monitoring or reporting violations where a system fails to take any samples for a particular contaminant during a compliance period, or where the system has failed to report the results of the analyses to the primary agent for a compliance period. (If the agent receives no monitoring report or receives a report indicating that no monitoring was conducted, the M/R violation shall be classified as "major").

ADMINISTRATIVE ORDER - An AO is defined as an order issued by a non-judicial body requiring the supplier to take certain actions within specified time periods and may specify the penalties which result from failure to perform the actions on the schedule.

LEVEL ABOVE WHICH EXEMPTIONS MAY NOT BE ISSUED - Analytical levels for all of the currently regulated chemical and radiological contaminants (except TTHM), above which exemptions may not be issued are contained in WSG-61 published in 1979. These levels will be effective until the levels are revised (revision is currently in process). Since no exemption level currently exists for TTHM we will use the MCL until such a level is developed for TTHM.

DRINKING WATER/UNDERGROUND INJECTION CONTROL PROGRAM

QUANTITATIVE MEASURE

PERMIT DETERMINATIONS

1 (a) Track, by Region, progress against quarterly targets, the number of UIC Class I, II, III and V (as applicable) well permit determinations for new and existing wells made by EPA and the number made by primary States. (Report permit determinations for new and existing wells separately) (NOTE: for all OWAS measures report State-by-State) (See SPMS DW-1)

1 (b) Track, by Region, the number of wells affected by these determinations.

USDWs

2 (a) Track, by Region, for primary and direct implementation States the number of wells reviewed in the well "Area of Review", the number of wells found deficient in the well "Area of Review" and the number of wells for which corrective action was taken within a well "Area of Review".

DEFINITION/PERFORMANCE EXPECTATION

This measure provides an indication of how well States are issuing or modifying permits so that all operations will meet the minimum technical and regulatory standards and USDWs will be protected from contamination. Identify, for each State in the Region, the total number of permit determinations (issued, modified, denied or applications withdrawn after a technical evaluation) for Class I, II, III, and V (as applicable) wells in FY 89. Count permit determinations made only for those applications with the final document signed by the State Director in that reporting period. States and Regions are to place special emphasis on permitting Class V wells that pose a high contamination risk to USDWs. Count each area permit as one permit, and also report the total number of wells that area permits covered for credit.

Based on the FY 1989 budget proposal and prior performance by Regions and States, it is expected that States and Regions will make 5,953 permit determinations for FY 1989.

This measure provides an indication of how well States are ensuring that injection operations do not contaminate USDWs through pathways that penetrate the injection zone. The UIC regulations require the permitting authority to determine, within an "Area of Review" (AOR), whether a proposed injection operation has the potential for contaminating USDWs through wells, faults, or other pathways that penetrate an injection zone. The AOR is defined as the area surrounding an injection well or injection well pattern in which the pressure change in the injection zone, resulting from high pressure injection, is great enough to make possible the migration of fluids out of the injection zone and into a USDW.

Specify the type of wells reviewed by two categories Abandoned and Other.

The Abandoned well category includes plugged and/or abandoned wells. The "Other" category includes all producing wells, injection wells, dry holes, exploratory wells, shut-in wells, etc., that penetrate the injection zone.

Track the number of wells penetrating the injection zone within the AOR for which corrective action is required. Specify the types of wells which require corrective

DRINKING WATER/UNDERGROUND INJECTION CONTROL PROGRAM

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

action by "abandoned" or "other" as defined above. Report the number of wells on which the various corrective actions were taken as a result of the review. Replugging of Abandoned wells should indicate the number of previously abandoned wells that were reentered and replugged. Other corrective actions would include such activities as reducing the injection pressure to reduce the radius of influence.

WELL RECORD REVIEW

3 (a) Track, by Region, against quarterly targets for the number of existing Class II well record file reviews completed and the number of wells not found in compliance and have had appropriate follow-up initiated.

3 (b) Track, the number of \$1425 programs that have submitted acceptable demonstrations following further guidance from Headquarters.

Identify, by State, the number of Class II well record file reviews that the State has completed in accordance with the 1425 program guidance. For multiple wells in a single field, covered under an area permit or project, report the total number of wells that are covered in the same well record file. Also report the number of wells that were found deficient as the result of the file review and the number which have had appropriate follow-up action initiated. A file review may only be counted as complete if (a) the well covered by the file review meets regulatory requirements or (b) it is found deficient and appropriate follow-up action has been initiated. Appropriate follow-up may include a request for more information, scheduling a MIT or a call in for a permit. For a State that has completed the first five year cycle of file reviews, a new review cycle and priority should be established. Where States have completed their first five year review cycle, they may submit a demonstration per Guidance #55, Assuring Continued Compliance of Rule Authorized Class II Wells in Primacy and Direct Implementation States April 1, 1987, that they will have continuing compliance evaluation system in place and operating which will assure non-endangerment to USDWs.

MECHANICAL INTEGRITY TEST

4 (a) Track, by Region, progress against quarterly targets for the number of rule authorized Class II wells that have had mechanical integrity tests performed by operators and verified by the State Director. (See SPMS DW-2)

This measure provides an indication of how well States are testing the mechanical integrity of rule authorized Class II injection wells so that they do not contaminate USDWs. Identify, by each State in the Region the total number of wells that have had a Mechanical Integrity Test (MIT) performed by the operators and verified by the State Director. Also report the number of wells that were found to lack MIT (Measure B). Based on the FY 1989 budget proposal and the current performance, it is expected that the Regions and States will verify 22,267 MITs in FY 1989.

DRINKING WATER/UNDERGROUND INJECTION CONTROL PROGRAM

DEFINITION/PERFORMANCE EXPECTATION

QUANTITATIVE MEASURE

MECHANICAL INTEGRITY (Con't)

4 (b) Track, by Region the number of wells that failed mechanical integrity tests as reported in (a).

4 (c) Report, by Region, the number of wells by Class for which mechanical integrity tests were field witnessed by State or EPA staff.

Identify, by State, the total number of wells that have had mechanical integrity tests performed by the operators and witnessed by the State field inspectors. A minimum of 25% of the MITs should be witnessed.

CLASS I HAZARDOUS WASTE WELLS

5 (a) Track, by Region, the number of Class I hazardous waste injection wells for which land ban petitions have been received and processed.

This measure provides an indication of how well States are identifying operators of hazardous waste wells and ensuring that there is a minimal impact on groundwater from the operation of these wells. To carry out the land ban petition process Headquarters will supply the latest information from the Hazardous Waste Injection Restriction Task Force to the Regions, and they in turn will use this to work one-on-one with the operators of hazardous waste injection wells. The objectives are to have the operators ready to submit their petitions at the earliest possible time, and the Regions ready to act on those petitions immediately. Our expectations are that the Regions will carry this out so that petition decisions can be made before the ban takes effect.

5 (b) Track, by State the number of Section 1422 programs revised to address Class I hazardous waste wells under the new requirements in Part 40 CFR 146(g).

All primary States having Class I hazardous waste wells must submit a privacy revision request to comply with requirements under 40 CFR Parts 144, 145 and the newly promulgated 146(g). This State submittal must occur within 270 days after EPA promulgates 146(g). EPA must review the completed State submit and approve or disapprove the State application within 90 days of receiving the application. Our records indicate that 13 States have Class I hazardous waste wells. Report by State and the number of program reviews that have been completed and report the number of program revisions that have been initiated or completed.

DRINKING WATER/UNDERGROUND INJECTION CONTROL PROGRAM

QUANTITATIVE MEASURE

COMPLIANCE ACTIVITIES

6 (a) Track, by Region, for primacy and DI States, the number of Class I, II, III, IV, and V wells found in SNC. (See SPMS DW/E-6)

DEFINITION/PERFORMANCE EXPECTATION

This measure provides an indication of how well States and Regions are ensuring that any potential endangerment to USDWs are discovered. This is a numeric report, which summarizes, for each State in the Region, the total number of wells in each Class, which were reported in significant noncompliance during the reporting period. Both newly identified violators and those that have not had actions taken to return them to compliance, should be reported.

Definition of SNC - The term "significant noncompliance" means: (a) any violation by the owner/operator of a Class I or a Class IV well, (b) the following violations by the owner/operator of a Class II, III or V well: (1) any unauthorized emplacement of fluids (where formal authorization is required); (2) well operation without mechanical integrity which causes the movement of fluid outside the authorized zone of injection if such movement may have the potential for endangering a USDW; (3) well operation at an injection pressure that exceeds the permitted or authorized injection pressure and causes the movement of fluid outside the authorized zone of injection if such movement may have the potential for endangering a USDW; (4) the plugging and abandonment of an injection well in an unauthorized manner. (5) any violation of a formal enforcement action, including an administrative or judicial order, consent agreement, judgement or equivalent State action; (6) the knowing submission or use of any false information in a permit application, periodic report or special request for information about a well. NOTE: In the absence of information to the contrary MIT failures and pressure exceedence are presumed to be SNCs.

6 (b) Track, by Region, for primacy and for DI States the percentage of wells that failed MIT, or exceeded pressure limitations, not considered SNCs (under UIC program guidance #54), that have had a formal enforcement action or returned to compliance within 90 days. (See SPMS DW/E-6)

This measure provides an indication of how well States are discovering and correcting mechanical and operational problems with injection wells. This is a report of the percentage of wells which during the reporting period, have been brought back into compliance or addressed through a formal enforcement action within 90 calendar days after they were reported as having a Non-SNC MIT failure or a Non-SNC pressure limitation exceedence. Regions and States are expected to address 75-90% of these non-SNC violations within the 90 day period.

DRINKING WATER/UNDERGROUND INJECTION CONTROL PROGRAM

QUANTITATIVE MEASURE

COMPLIANCE ACTIVITIES (Con't)

DEFINITION/PERFORMANCE EXPECTATION

Definition of a MIT failures and pressure limitation exceedences other than SNCs: it is presumed that any MIT failure or pressure limit exceedence violation is a SNC unless the application of the appropriate flow chart contained in UIC program guidance #58 (September 9, 1987) supported by data, shows that the violation need not be classified as a SNC.

Definition of a formal enforcement action: is any action which: (i) requires some action to achieve compliance; (ii) specifies a time by which action is to be taken; (iii) contains consequences for noncompliance that are independently enforceable without having to prove the underlying violation, and (iv) subjects the person to adverse legal consequences for noncompliance. A State ordered well shut-in is a formal enforcement action. A well shut-in, however, does not mean a well is in compliance until corrective action is taken or a well properly plugged. (Note: pipeline severance meets this definition but a notice of violation does not. A State ordered well shut-in is a formal enforcement action. A shut-in well however, can not be constructed as in compliance until it is corrected or properly abandoned.)

Definition of timely and appropriate action: The State or Regions should take one of the following actions within 90 days after the SNC is identified: (1) verify that the owner/operator has returned to compliance; (2) place the owner/operator on an enforceable compliance schedule and track to ensure future compliance; or (3) Initiate a formal enforcement action against the owner/operator.

6 (c) Track by Region, the number and percent of wells for primacy and Direct Implementation (DI) States reporting significant violations and appearing on two or more consecutive reports which have (1) returned to compliance, (2) have not had a formal enforcement action, or (3) have had a formal enforcement action. (List separately by well Class.)
NOTE: Exceptions list will be reported facility-by-facility in accordance with UIC program guidance #54. (See SPMS DW/E-8)

This measure provides an indication of how well States are resolving incidents of significant noncompliance. This is the name specific exceptions list report which identifies those well owners and/or operators that have remained in significant noncompliance for two or more consecutive reporting quarters and which have been returned to compliance or have not had a formal enforcement action taken against them. The named well is to remain on the list until compliance is achieved or formal action has been commenced. We expect that approximately 5% of all SNCs will appear on the exceptions list annually.

DRINKING WATER/UNDERGROUND INJECTION CONTROL PROGRAM

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

COMPLIANCE ACTIVITIES (Con't)

7 (c) Track, the total number of EPA administrative orders, the total number of State equivalent actions issued and the total number of §1431 emergency orders issued by well class. (See SPMS DW/E-6).

This measure provides an indication of how many and what types of enforcement actions a Region or a State is taking when violations are discovered. Report, the number proposed EPA AOs, equivalent State actions, and the total number of §1431 emergency orders issued by well class (list separately EPA and States). Since many Class V wells present high contamination risks to ground water, the Regions and States should place an increased emphasis on issuing AOs for this Class. When counting proposed AOs, only those proposed orders that have been signed and sent to operators should be included. Draft information type orders are not included in this measure. Individual Regional performance for the number of AOs are expected to be roughly equivalent to the benchmark targets derived in the FY 1989 Enforcement Workload Model.

7 (d) Track the number of civil actions referred to State Attorneys General, the number of civil cases filed by the Attorneys General, the number of criminal charges filed by the Attorneys General, the number of civil cases concluded by the Attorneys General and the number of criminal cases concluded by the Attorneys General. (See SPMS DW/E-7)

Federal referrals will be reported by the Office of Enforcement and Compliance Monitoring; State UIC referrals will be reported by the Regions.

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Definition of Case Conclusions: A case is concluded when a signed consent decree is filed with the State court, the case is dismissed by the State court; the case is withdrawn by the State Attorney General after it is filed in a State court; or the State Attorney General declines to file the case.

DATA MANAGEMENT

8 (a) Report, by State, by well class and operating status, the total number of wells in each State.

Identify, by State, by well class, and operating status, the total number of injection wells which existed in the State. Each State should maintain a current updated inventory and input data into the Federal UIC Reporting System (FURS). Headquarters will allocate Regional/State resources based on this inventory data as of November 30 of each year (fourth quarter report).

DRINKING WATER/UNDERGROUND INJECTION CONTROL PROGRAM

DEFINITION/PERFORMANCE EXPECTATION

QUANTITATIVE MEASURE

OVERSIGHT

9 (a) Report by State on the use of grant funds.

Each State is expected to report to Regions the use of UIC grant by program activities and object class in accordance with UIC program guidance #42 and UIC reporting guidance #54.

At a minimum, Regions should perform one real time program review of the primacy States each year in accordance with oversight. This should normally be done at mid-year. Regions are also encouraged to perform end of the year program reviews.

INDIAN LAND

10 (a) Report the number of Indian Tribe primacy applications received.

The new Safe Drinking Water Act of 1986 allows Indian Tribes to apply for primacy. Regions should report the number of primacy applications received, reviewed, and approved. Regions are required to maintain and report an updated inventory of injection wells on Indian lands each year together with the fourth quarter report.

10 (b) Report the number of injection wells regulated by tribal programs.

CLASS V PROGRAMS

11 (a) Report the number of States submitting Class V program activities in their UIC grant agreement.

States are expected to develop and implement a plan to identify and deal with Class V wells that pose environmental problems. This is not a formal program submission under §1422.

GROUND-WATER PROTECTION

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

GROUND-WATER PROTECTION STRATEGY

- 1(a) The status of State strategies under development, developed, submitted to the Region, adopted by the State, implemented and incorporated into State statute.
- 1(b) How many State are using financial resources beyond 106 grants for ground-water protection activities? Identify these sources of funds and cite types of activities supported.
- 1(c) Identify the States which are revising their ground-water protection strategies and list other ground-water areas being focused on, e.g. non-point sources of pollution, agricultural chemicals, underground storage tanks, monitoring, systems/regulatory development.

This measure identifies the number of State ground-water protection strategies in the various stages of development and implementation. The guidance indicates that all States are expected to have developed strategies by the end of FY 1988. The term "adopted by the State" indicates that the strategy has been approved and signed by the appropriate State officials. "Implemented" indicates that efforts to carry out the strategy are underway within the State. The number of State strategies "incorporated into State statutes" is included for information purposes only.

This measure identifies the number of States utilizing other sources of funds (e.g., other federal grants or State and local revenues) to carry out ground-water protection activities as well as the sources of those funds. Possible sources include 205(j) funds, 201(q)(1) funds,

This measure will indicate the number of States reviewing and refining their current strategy efforts to focus on the totality of ground-water protection and cleanup concerns. HQ will issue guidance on this comprehensive approach in June, 1988. The new guidance will continue to allow States the flexibility to set priorities for their ground-water protection activities based on their unique situations.

GROUND-WATER PROTECTION

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

GROUND-WATER PROTECTION STRATEGY (continued)

3(a) Number of States with classification systems in place. Is the system: under development? currently in place? compatible with EPA's?

This measure will identify the number of States using a classification system to differentiate ground-water according to its use, value, and vulnerability. "Under development" refers to those States in the process of developing a classification system. "Currently in process" indicates those States which have completed and adopted a classification system by statute or other official act. The category "compatible with EPA's classification system" includes both those systems under development and those in place, and based on EPA guidance will indicate whether the State system is similar/equivalent to EPA's system.

4(a) Identify the number of reviews conducted by the Regional ground-water Offices:
 # of RODs reviewed
 # of ACL determinations
 # of corrective action plans
 # of RI/FS reviews
 # of NPS Management Plans
 # of (identify other reviews)

This measure focuses on the extent to which the Regions' Office of Ground Water participate in the decision making processes of other programs concerned with ground water issues. The number of reviews of each type of document (cumulative for the fiscal year) should be reported. The Region should also include any other appropriate review conducted regularly but not indicated in this list.

It is understood that not all Regional Offices of Ground Water are involved in these cross program/media decisions!

WELLHEAD PROTECTION PROGRAM

1(a) Track, against targets established for each Region, the number of States in which Regional initiatives are being undertaken to assist States to develop and implement either a Wellhead Protection (WHP) program or significant components of a WHP program. [SPMS R-1]

This measure is designed to track the initiatives undertaken by the Region with interested States to promote either development of (WHP) program or wellhead protection activities which are significant components of a WHP program.

"Initiatives" are activities resulting in movement toward development of a State or sub-State WHP program or wellhead protection activities.*

GROUND-WATER PROTECTION

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

WELLHEAD PROTECTION PROGRAM (continued)

1(a) (continued)

"Assisting" is defined as both technical assistance and financial support, or any series of meetings and formal training programs. A "Wellhead Protection (WHP) program" is a State program addressing all of the six required elements (e.g. delineation of wellhead protection areas (WHPAs), inventorying sources of contamination, etc.) set forth in Section 1428 of the Safe Drinking Water Act (SDWA) Amendments of 1986. On the other hand, "significant components" are some, but not all, of those six WHP program elements.

Performance Expectation:

It is expected that the Regions will carry out initiatives in not less than 25% of the States in each Region in FY 1988, and 50% of the States in FY 1989. These targets will represent the number of States offered assistance through Regional initiatives.

1(b) & (c) Number of training programs, workshops, etc., conducted by the Region specifically for Indian tribes; number of tribes assisted.

This measure identifies the specific training programs, workshops, and other Regional assistance targeted specifically to Indian tribes to assist tribes in their wellhead protection efforts. This will also indicate the specific Indian tribes benefitting from this assistance.

2(a) Number of State/Indian tribe WHP programs submitted to EPA for review.
approved
disapproved

This measure identifies the number of State/Indian tribe WHP programs submitted to the Region for review and approval. The statutory deadline for the submission of State programs is June, 1989. If States choose to submit programs, EPA must approve or disapprove the program within nine months of submission. Approval is based on the consistency of the State's program with the six required elements indicated in Section 1428 of the SDWA Amendments of 1986.

GROUND-WATER PROTECTION

QUANTITATIVE MEASURE

SOLE SOURCE AQUIFER PROGRAM

1(a) Number of designation petitions received, approved, denied, determined incomplete and returned to applicant.

DEFINITION/PERFORMANCE EXPECTATION

In order for EPA to make an SSA designation, a completed petition must be submitted. The data requirements for a complete petition are:

- name, address, telephone number of individual or organization
- narrative description on ground-water quality and susceptibility of aquifer to contamination, general location of aquifer and availability of other water supplies
- maps depicting location and boundaries of the aquifer, including its recharge areas and its streamflow source areas
- Summary of water use in the area above the aquifer and estimates of the area population and number of people served by the aquifer.

2(a) & (b)

Number of MOUs in place, in process, or revised with lead Federal agencies and/or State Clearinghouse Agencies.

and

Number of projects reviewed in SSA areas: approved, disapproved, modified.

The Agency is responsible for reviewing all Federal financially-assisted projects planned for an SSA designated area in order to determine the potential for contaminating the SSA. Thus, it is the Regions' responsibility to establish arrangements with other agencies. These measures serve as an index not only on the number of projects reviewed but also on the awareness by other Federal agencies of the requirement.

MARINE AND ESTUARINE PROTECTION

QUANTITATIVE MEASURE

OCEAN DISPOSAL PERMITS

1(a) and (b) # of draft and final environmental impact statements (EISs).

DEFINITION/PERFORMANCE EXPECTATION

It is expected that the Regions will prepare EISs for dredged material disposal sites based on the priorities set forth in the Memorandum of Understanding (MOU) between the Region and the Corps of Engineers District Office, and will prepare EISs for municipal and industrial disposal sites based on national priorities. The preparation of draft EISs includes review of available information, conduct of field surveys and data collection, analysis of field data and report preparation, preparation of supporting documents, public notices, and response to public comments. These activities may be undertaken in-house or, for dredged material disposal sites, in cooperation with the Corps of Engineers. The preparation of final EISs includes incorporating response to all comments received, and making necessary changes to finalize the EIS, which may include updating any of the surveys or special interagency activities, such as endangered species considerations.

1(c) # of ocean disposal sites designated.

It is expected that the Regions will designate dredged material disposal sites as set forth in the Memorandum of Understanding (MOU) between the Region and the Corps of Engineers District Office, and designate municipal and industrial sites based on national priorities. In the preparation of a site designation document, if the EIS Record of Decision selects ocean dumping as preferred alternative, the site designation activity includes promulgation of proposed rules and final rules. Also, it includes consultation with other Federal and State agencies, preparation of Federal Register notices, hearings, and response to public comments.

ESTUARY PROJECTS

12(a) Progress in Comprehensive Conservation Management Plan (CCMP) development for each estuary project.

It is expected that the Regions with estuary projects in progress will ensure that each of the projects has a Management Conference as specified in the WQA of 1987, which is to manage the conduct of the scientific and technical work necessary to the development of a Comprehensive Conservation and Management Plan for the named estuary project in a timely and effective manner. Progress is to be reported by the Office of Water to the Deputy Administrator on a quarterly basis as an adjunct to the SPMS reporting.

MARINE AND ESTUARINE PROTECTION

QUANTITATIVE MEASURE

MARINE DISCHARGE WAIVERS AND
OCEAN DISCHARGE CRITERIA
EVALUATIONS

1(d) # of final decisions.

1(f) # of permits issued or
reissued reflecting final
decisions.

1(g) # of approved monitoring
programs in operation with data
evaluated by Region.

2(d) # and type of ocean discharge
permits prepared.

DEFINITION/PERFORMANCE EXPECTATION

It is expected that the Regions will complete during FY 1989 to the extent feasible all the final decision-making processes for the initial and revised applications submitted under the provisions of section 301(h).

It is expected that the Regions will complete during FY 1989 the issuance of all remaining permits reflecting final decisions.

A successful monitoring program is one which specifies effective data quality objectives, is operated under appropriate QA/QC procedures to ensure the validity of data as a bases for accurate estimation of the environmental impacts of the permitted discharge, and provides for automated data analysis and for the reassessment of permit conditions to ensure maintenance of compliance with disposal criteria.

It is expected that the Regions will give priority to Outer Continental Shelf (OCS) Oil and Gas permitting activities.

WETLANDS PROTECTION PROGRAM

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

2(b) Number of administrative compliance orders issued this quarter

§309(a) compliance orders issued by EPA

2(c) Number of administrative penalty compliance orders issued this quarter

§309(g) penalty compliance orders issued by EPA

2(d) Number of civil cases referred to DOJ this quarter

Number of (1) civil and/or (2) criminal referrals sent to the Department of Justice for judicial action

2(e) Number of criminal cases referred to DOJ this quarter

2(f) Number of cases resolved

For §309(a) compliance order, that the discharger has complied with the terms of §309(a) order (e.g., has removed the fill and restored the area, has substantially completed mitigation actions required under the terms of the §309(a) order), or, if appropriate, the §309(a) order was withdrawn by the Agency

For §309(q) penalty complaints, that the discharger has paid the administrative penalty, or a final order has been entered by a court (District Court for Class I, Appellate Court for Class II) in which the administrative penalty assessment was appealed, or the §309(q) complaint was withdrawn by the Agency

For civil or criminal judicial referrals, that a court has enter a final order

WETLANDS PROTECTION PROGRAM

QUANTITATIVE MEASURE

5(a) Track progress against targets for the number of strategic initiatives started (resource plans (e.g. ADID), ecosystem initiatives, enforcement initiatives, public outreach initiatives, research initiatives or State, local, tribal initiatives)
Report by number and type; i.e. major/minor

Number of strategic initiatives completed.

DEFINITION/PERFORMANCE EXPECTATION

"Strategic Initiatives" for commitment purposes are actions undertaken to improve levels of protection for wetlands on a broad scale through increased EPA emphasis in a major program activity area (e.g. increasing public outreach activities throughout a State). Alternatively, a strategic initiative may be targeted to a more limited geographical area of wetlands, and involve an intensifying of EPA program activity within that area. Such activity might involve advanced identification, enforcement, jurisdiction delineation, public outreach, education, research, comprehensive resource use planning, improved joint activity with State and local governments, or a combination of such activities. At a minimum, a strategic initiative will involve problem analysis, identification of goals for the target wetlands, evaluation of options to achieve the goals, an action plan to achieve the selected option, implementation, and evaluation of results. As a guideline, strategic initiatives should constitute a program component that represents one-tenth or more of the Regions wetlands program (using qualitative or quantitative indicators such as environmental results, funding and staff allocation, management attention). "Initiate" a strategic initiative means to have selected the target wetlands and to have division director level approval to pursue the initiative; "Complete" an initiative means to have implemented all components of the action plan, with only the evaluation of results remaining to be done. A "major" initiative is one covering 1,000 or more acres of wetlands, or other special aquatic sites or less than 1,000 acres with a high degree of controversy; a minor initiative means one covering less than 1,000 acres of wetlands, or other special aquatic sites, involving low to moderate controversy.

The performance expectation is that each Region will track existing strategic initiatives and will initiate one major or two minor initiatives in FY 1989.

WATER QUALITY STANDARDS, PLANNING, AND ASSESSMENT

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATIONS

WATER QUALITY STANDARDS:

1(b) Identify the States that have adopted numeric criteria into their water quality standards for the Section 307(a) toxic pollutants, or have met the requirements for adoption of numeric criteria through a procedure applied to the narrative criterion for those waters identified as needing protection from toxic pollutants in State Action Plans. When specific numeric criteria are adopted, instead of a procedure, identify the specific toxic pollutants.

The number reported is both the number of States and the number of pollutants (with an identification of the specific pollutants). The total number of States reported in any one fiscal year cannot exceed 57. While the number of pollutants incorporated may vary, the pollutants listed will primarily be the pollutants included on the Section 307(a) list of toxic pollutants. All States whose triennial reviews are scheduled to be completed in FY 89 are expected to meet new WQA requirements. In addition, those States whose reviews in FY 88 are incomplete, with respect to the new requirements, should proceed with toxic pollutant criteria based on their FY 88 Action Plans.

MONITORING:

5(a) Track, by Region, against quarterly targets, (1) the number of States with approved technical agreements with EPA for conducting WLAs/TMDLs and/or multiple dischargers, and (2) the number of complex TMDLs/WLAs submitted by States and approved by EPA as a basis for NPDES permits and individual control strategies.

This measure is designed to assess the number of States having approved written agreements with EPA on procedures for developing wasteload allocations/total maximum daily loads. If these procedures are in place, EPA need only do in-depth reviews of a sample of each States' WLAs/TMDLs rather than having to conduct a detailed review of each one. This measure also provides an indication of how many wasteload allocations are being conducted in complex situations (i.e., multiple dischargers, multiple pollutants, and/or complex hydrology) that result in NPDES permit limitations.

WATER QUALITY STANDARDS, PLANNING, AND ASSESSMENT

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATIONS

MONITORING (Continued):

1(a) Identify, by State against quarterly targets, the number and percentage of waters evaluated to determine if water quality criteria for toxic pollutants are needed to protect designated uses.

The purpose of the evaluation is to determine which waters will require numeric water quality criteria for toxic pollutants, as required by §308(d), and as described in the 1988 EPA Operating Guidance. The waters to be evaluated will be a subset of the waters identified by the States under §304(1)(1)(A)(ii), or the "long list" of waters with water quality problems. During 1988 EPA will develop guidance to describe the factors to consider in determining which waters require numeric criteria, and the types of information that should be evaluated in making the determinations.

2(a) Track, by Region, against quarterly targets, the number of States for which (1) the State has submitted the lists of waters and point sources required by §304(1) of the Clean Water Act, and (2) EPA has approved/disapproved such lists.

This measure tracks the progress of the States in preparing the lists of waters required under section 304(1) of the CWA. EPA has prepared guidance for the State to use in preparing these lists and are for EPA to use in reviewing/approving these lists: Final Guidance; Implementation of Requirements under section 304(1) of the Clean Water Act, as amended.

WATER QUALITY STANDARDS, PLANNING, AND ASSESSMENT

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATIONS

MONITORING (Continued):

- 4(a) Track, by Region, the number of waterbodies and the number of stream miles, lake acres, estuary segments, coastal miles, and Great Lakes' shore miles that States assessed through (1) monitoring or (2) evaluation, according to EPA guidance for §305(b) reporting. Identify the number assessed and the number that are supporting/partially supporting/and not supporting designated uses. Identify the number, by nonpoint source category, not fully supporting designated uses due to nonpoint sources of pollution.

This measure tracks the number of waterbodies and the number of miles, acres, etc. assessed by each State; their water quality status; and the impact of nonpoint sources. These assessments are discussed in EPA's Guidance for the Preparation of the 1988 State Water Quality Assessment. The Guidelines establish two categories of assessed waters: monitored, for which current site-specific monitoring data exist; and evaluated, for which there are other types of data such as land use information predictive models, or ambient data older than five years. These together equal a State's waters. Use of these two categories should increase the number of waters for which we can make water quality judgements and establish a level of confidence for the data. Recommended criteria for determining degree of use support are provided in the Guidelines. The Office of Water will compile the data from the Waterbody System, State 305(b) reports, and 205(j)(2)(c) updates. Waterbodies are defined as either a free flowing stream reach as identified in EPA's River Reach File or an entire or identifiable portion of an open water such as a large lake, estuary or embayment. For developing the list of waterbodies, where a River Reach number is not available each water should be identified by name and latitude/longitude from 7 1/2 minute USGS topo maps. Geographically separated areas on large open water (e.g., two different cities on Chesapeake Bay) should be counted as separate waters.

WATER QUALITY MANAGEMENT (WQM) PLANNING:

- 1(a) Identify, by State, the major products completed in FY 88; identify which products were reviewed by the Region and indicate which were incorporated into WQM plans.

This measure allows for an assessment of how well States are completing tasks funded under EPA grant funds. Examples of major products include: WLA/TMDLs, lists of waters not meeting WQ standards, NPS program development, toxic control strategies, permits issued/reissued, etc. [Please provide this information in table form with 3 columns indicating: # of products completed; # of products submitted to the Region for review; and # incorporated into State WQM plans. We recognize that not all major products are incorporated into State WQM plans, but are interested in those activities which are.]

OFFICE OF WATER REGULATIONS AND STANDARDS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATIONS

WATER QUALITY MANAGEMENT (WQM)
PLANNING (Continued):

2(B) How is the Region ensuring that 40% pass-through requirements under 205(j)(1) are implemented properly?

Under 205(j)(1), States are now required to pass-through at least 40% of these funds to Regional Public Comprehensive Planning Organizations (RPCPOs) and Interstate Organizations (IOs). Under certain conditions (specified in the WQA of 1987) States may pass-through less than 40%. In both of these areas, we are interested in how the Region will ensure that these requirements are met and tracked to ensure continued conformance.

2(c) Identify the number of Tribes eligible to be treated as States for CWA programs and the number of Tribes receiving grants.

This measure is intended to assess how the Regions are implementing EPA guidance on funding Indian Tribes which qualify as States as required under the Water Quality Act of 1987. Of interest are any Regional procedures/criteria established for Tribal selection, and what work program evaluation procedures are in place. What, if any, procedures are in place to ranking Tribes for funding priority and to assess whether Tribes will receive continuing funding in future years.

WATER QUALITY STANDARDS, PLANNING AND ASSESSMENT

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

NONPOINT SOURCE MANAGEMENT :

1(a) Report the number of States for which the Region has approved or disapproved NPS Assessments, the number of States which failed to submit NPS Assessments and the target dates for Regional Office completion of these latter assessments.

This measure is designed to determine the number of States failing to submit NPS Assessments by August 1988 and when Regions expect to complete the Assessments on behalf of these States. The Act requires EPA to prepare Assessments for those States which do not submit them by August 1988.

1(b) Report the number of States providing information to the Region in FY 88 on reductions in NPS loadings and improvements in water quality resulting from implementation of Management Programs [pursuant to 319(h)(11)].

Pursuant to section 319(h)(11), States are required to report annually on NPS load reductions for those waters identified pursuant to 319(a)(1)(A) - these are waters which cannot be expected to meet standards (or other goals and requirements of the Act) without additional actions to control NPS pollution.

2(b) For each State which fails to submit a Management Program or fails to submit an approvable Management Program, report the number of Local Management Programs being prepared by local agencies.

Pursuant to section 319(e), if a State fails to submit a Management Program or if its Management Program is not approved by EPA, EPA may provide assistance to local agencies to develop NPS management programs. This measure is designed to determine the number of such programs being developed in each State.

WATER QUALITY STANDARDS, PLANNING, AND ASSESSMENT

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATIONS

NONPOINT SOURCE MANAGEMENT
(Continued):

3(a) Report funding source used and progress by each State in meeting each milestone required in 319(b)(2)(c). Report number of BMPs installed or implemented by each State by category and subcategory.

This measure is designed to track the progress of each State in funding and achieving the output/milestones committed to in its Management Program and to determine the number of categories and subcategories of BMPs installed/implemented during FY 1989. Funding sources are 205(j)(5), 319(h), 201(g)(1)(B), 603(c)(2), and State funds -- all funding sources except for cost-sharing.

3(b) Report the amount and source of all funds used to install BMPs in each State.

This measure is designed to determine the amount and source of all funding committed during FY 1989 by each State to install BMPs.

LAKES MANAGEMENT:

1(a) Report the number of active Clean Lakes projects, the number of site visits per project, and the number of projects with discrepancies between expenses incurred and expenses reported to FMS.

This measure allows Headquarters to review the fiscal integrity of each project and ensures Regional involvement in all ongoing activities.

WATER QUALITY STANDARDS, PLANNING, AND ASSESSMENT

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATIONS

LAKES MANAGEMENT (Continued):

2(a) Report the number of projects active for more than three years, with unexpended obligations in excess of \$100,000.

This measure is designed to identify projects which appear to be unable to implement their activities within the approved scope of work. Once identified, these projects can be re-examined to ensure the judicious expenditure of federal funds.

3(a) Report the number of Clean Lake programs integrated into State Clean Water strategies, lake water quality assessment grants and the number of lakes that are assessed.

This measure is directly related to compiling the Report to Congress on the status and trends of lake water quality, as required in section 314(a)(3) of the CWA and the number of Clean Lake programs integrated into State Clean Water Strategies.

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATION

PERMITS:

1(a) Track, against targets, the number of permits reissued to major facilities during FY 89 (NPDES States and non-NPDES States).

The universe for measures 1(a) and 1(b) is the total number of majors (1(a)) and major and minor (1(b)) permits (which require Individual Control Strategies [ICS] with issuance dates, i.e., date signed by permit authority during FY89. Status as of the close of the quarter will be taken from PCS on the 10th of the month following the end of a quarter. This will be compared to the total number of major and minors permits with expiration dates before October 1, 1989 according to PCS data on October 10, 1988 (i.e., the number of major permits that have or will expire by the end of FY89).

1(b) Identify the number of permits reissued and the number modified during FY 89 that reflect water quality based assessments for toxics. Of these, report number that are Individual Control Strategies. (NPDES States, non-NPDES States; report majors and significant minors separately).

Section 304(1) of the CWA requires States to develop lists of impaired waters, lists of point sources and amount of pollutants causing toxic impacts, and ICS for such point source. The new provisions direct immediate attention to establishing controls where there are known impacts due entirely or substantially to point sources of 307(a) toxic pollutants (interpreted by EPA as the 126 "priority pollutants" listed in connection with 307(a) of the CWA). Controls for these pollutants must be established as soon as possible but no later than the statutory time frames set forth in section 304(1).

Water quality based assessments for toxics are evaluations of toxic pollutants and whole-effluent toxicity in effluents, and receiving water conducted as part of the permit reissuance process. A water quality-based assessment for toxics includes but is not limited to: (1) a determination of the acute and chronic aquatic toxicity of the effluent, as measured by whole-effluent toxicity testing; (2) a quantification of the discharges of toxic pollutants of concern, including all toxic pollutants regulated by a State water quality standard; (3) an evaluation of other water quality-based toxic effects of

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATION

PERMITS (continued):

1(a)/(b) continued

an effluent, including bioaccumulation potential and human health risk; and (4) development of necessary wasteload allocation and corresponding permit limits for toxic pollutants and/or toxicity. Water quality-based assessments for toxics should be conducted in a manner consistent with guidance issued by Headquarters, including the Technical Support Document for Water Quality-Based Toxics Control (Sept. 85).

As a matter of policy, EPA regards the new statutory requirements to control point sources as a component of the ongoing national program for toxics control. In the national toxics control program, all known problems due to any pollutant are to be controlled (using both new and existing statutory authorities) as soon as possible, giving the same priority to these controls as for controls where only 307(a) pollutants are involved. Known toxicity problems include violations of any applicable State numeric criteria or violations of any applicable State narrative water quality standard due to any pollutant (including chlorine, ammonia, and whole effluent toxicity), based upon ambient or effluent analysis. States and Regions will continue to issue all remaining permits, including those requiring the collection of new water quality data where existing data are inadequate to assess water quality conditions.

Performance Expectation: 1(a): The goal of the State and EPA NPDES program is to have reissued major and significant minor permits in effect on the date the prior permit expires. Permit applications are due and should be acted upon during the last six months

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

PERMITS (continued):

1(a)/(b) continued

DEFINITION/PERFORMANCE EXPECTATION

of a permit's term. Most States and Regions should be able to reissue 100% of their expiring major permits except where unusual, complex and difficult issues prevent timely permit reissuance. Individual control strategies (1(b)) should be reissued/modified as necessary by February 4, 1989, regardless of existing permit expiration date. In addition, 304(1) listed minors, although not include in 1(a), must also be reissued/modified in accordance with the statutory deadline of February 4, 1989.

To ensure compliance with the 1992 deadline, each ICS is to consist of final enforceable NPDES permits, to the extent possible, and accompanying documentation (i.e. fact sheets). Where a State demonstrates that a final permit cannot be issued by February 4, 1989, a draft permit and supporting documentation may be accepted as an ICS. However, such a draft permit must be accompanied by a schedule indicating when the final permit will be issued and providing adequate time for the permittee to comply with the limitations such that water quality standards will be achieved by June 1992.

Regional quarterly reports for these measures will be reported to the Director of the Office of Water Enforcement and Permits.

1(d) Track progress against targets for the number of municipal permit modifications to incorporate the pretreatment implementation requirements. (NPDES, non-NPDES States).

As Regions/NPDES States reissue/modify permits to POTWs with approved pretreatment programs, they will incorporate appropriate requirements addressing implementation of approved/revised pretreatment programs. Specific attention should be given to the adequacy of POTW control mechanisms (including enforceable local limits), compliance tracking (including POTW reporting requirements) and enforcement.

Performance expectation is that the permits for all of the programs that have not established adequate and enforceable control mechanisms for at least 95% of their SIUs must be modified to required establishment of the mechanisms. Permits must also be modified whenever necessary to respond to the requirements of the DSS regulation, the sludge regulations or the requirements of section 304(1).

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATION

PERMITS (continued):

4(a) Track progress against targets for the number of general permits issued/reissued (non-NPDES States):

-- # OCS

5(a) Identify, by Region, the number of pending evidentiary hearing requests and track by Region progress against quarterly targets for the evidentiary hearing requests pending at the beginning of FY 89 resolved by EPA and for the number resolved by NPDES States.

5(c) Track, against targets, the number of evidentiary hearings (or other state appeal proceedings that do not stay permit conditions) requests pending at the beginning of FY 89, resolved (municipal, nonmunicipal; NPDES States, non-NPDES States).

Final OCS oil and gas NPDES general permits issued consistent with the EPA/WMS (Minerals Management Service) MOU and implementing guidelines.

The term "evidentiary hearing" is meant to encompass not only EPA issued permit appeals pursuant to 40 CFR 124 but also any NPDES State issued permit appeals (whether adjudicatory or non-adjudicatory in nature). The meaning includes any and all administrative appeals to permit conditions that delay any aspect of permit issuance and/or permittee compliance with permit conditions. For SPMS, report ONLY where permit conditions are stayed. For OWAS, quarterly submittals should separate information on hearings that stay permit conditions from those that do not.

Performance Expectations: Evidentiary hearings should be resolved as expeditiously as possible. The target should reflect resolution of all pending hearings. Although the measure is intended to reduce the backlog of pending hearings, consideration should be given to new hearings requests made during FY89 that have priority over pending requests. Such requests may be counted against commitments where they are priority cases (based on Regional/State evaluation).

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATION

PERMITS (continued):

6(b) Track, against targets, the number of direct discharger variance requests pending start of FY 89 which are denied/approved (NPDES States/non-NPDES States):

- FDF
- 301(c)
- 301(g)
- 301(k)
- 316(a)
- 316(b)

The Region is to identify by 10/31/88 the number of variance (and deadline extension) requests from direct and indirect dischargers by type (FDF, 301(c), etc.) that are pending at the beginning of FY 89. Commitments are to be made to eliminate that carryover by acting on all those pending requests during FY 89. Such action consists of either approved, denied or forwarded to Headquarters with a Regional recommendation as provided in procedural regulations contained in 40 CFR section 124.62, the delegations manual and implementing guidance. (Note: Procedures and authorities vary for each variance. The Region will also be expected to act on all FDFs submitted in FY 89 consistent with the statutory deadline.) The Region is to report quarterly the cumulative number of final resolutions during FY 89, by type of variance in each NPDES State and non-NPDES State.

6(c) Track, against targets the number of indirect discharger FDF variance requests pending start of FY 89 which are denied/approved (NPDES States/non-NPDES States).

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATION

PERMITS (continued):

7(a) Track total number of NPDES and non-NPDES permits (major and minor separately) issued containing sludge conditions, to priority facilities.

Total number of major and minor permits with issuance dates (i.e., date signed by the permit authority) during 89 containing sludge management practices and/or numerical limits developed on a best professional judgment basis, to priority sludge facilities. Priority sludge facilities are those POTWs with known or suspected problems with sludge quality. The sludge conditions are to be included in permits as the NPDES permit expires and is reissued. The sludge conditions may be incorporated in another permit, such as a permit issued under the Clean Air Act, and referenced in the NPDES permit. Non-NPDES sludge permits should be identified separately.

8(B) Have the States completed their inventories of sludge use and disposal facilities? Are these lists complete/accurate? What problems are the States facing?

Each State should have an up-to-date inventory by the end of FY88 as a starting point for developing its own sludge permitting program. An inventory should at a minimum provide a list of all POTWs and other treatment works treating domestic sewage (as these facilities require sludge permits under the CWA), an estimate of the quantity of sludge generated by each such facility, an identification of each facility's use/disposal practice(s), estimate of general sludge quality, and a summary of the quantity of sludge being handled by each of the major use/disposal practices.

In FY 89, the States will continue to update their inventories to include other users/disposers of sewage sludge (other than POTWs and other treatment works treating domestic sewage), and to refine their information on the treatment works' sludge quality.

(Note: This definition is for the qualitative measure 8(B) and provides greater explanation of what an inventory entails and our expectations for FY 89).

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

STATE PROGRAMS:

- 1(a) Number of State that achieve NPDES program approvals and modifications in accordance with established schedule:
- Full NPDES program
 - Pretreatment program modifications;
 - Federal facility modifications.
 - General permit authority

- 2(b) Track progress for the number of NPDES States for which statutory and regulatory authority is assessed in FY 89.

RCRA ACTIVITIES FOR NPDES FACILITIES:

- 1(e) Of those POTWs which receive hazardous wastes by truck, rail or dedicated pipe, report the total number of determinations made.
- Report determinations by:
- 1) Number of determinations made that there is no need for corrective actions; and
 - 2) Number of determinations made that there is a need for corrective actions.

DEFINITION/PERFORMANCE EXPECTATION

Performance Expectation:

Acceptable Regional performance is having and effectively pursuing a current written strategy for each State to achieve full NPDES program administration. The strategy was to have been prepared by the Region is consultation with the State, identify the obstacles to full program approval and set forth work plan for overcoming the obstacles. The work plan should describe what needs to be done, make recommendations on how it can be accomplished, and provide needed and reasonable estimates of time required. Regions will approve remaining State pretreatment/Federal facility programs will condition FY 88 grants as necessary, and may begin program withdrawal if States fail to seek full program authority.

The Region's goal should be to complete review of the statutory and regulatory authority for all NPDES State programs approved before 1980. Where several NPDES State programs remain to be reviewed in FY 89, a minimum level of acceptable performance is to initiate three State reviews.

The number of POTWs which receive hazardous waste by truck, rail or dedicated pipe will have been identified by FY 87. After identification is made, a determination will have to be made as to the need for corrective actions by a POTW. For purposes of reporting, this measure will divide determinations made into those where POTWs do not need corrective action and those where corrective actions are needed. A determination that corrective actions are needed includes issuance of the RCRA permit incorporating appropriate requirements.

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

PRETREATMENT

- 1(b) Track progress against targets for the pretreatment programs approved during FY 89 (list pretreatment States/non-pretreatment States).

DEFINITION/PERFORMANCE EXPECTATION

A local pretreatment program is considered approved when, after appropriate public notice and comment, the Approval Authority (Regional Administrator or State Director) approves the local program. Commitments for non-pretreatment States and for approved pretreatment States are to reflect all programs that are required but are not approved as of September 30, 1988. In general, POTW programs should be approved within one year of notification to POTW of the need for the program. New programs may be needed to address implications from the Domestic Sewage Study and the 304(1) amendments to the Clean Water Act. Referral actions will be considered when assessing progress toward achieving commitments. Referrals that, in fact, have been turned over to the Justice Department will count as the equivalent of an approved program. Performance expectation is that 100% of the programs pending at the beginning of the year should be approved by close of the year.

- 2(a) Report, by Region, the number of pretreatment administrative orders issued by EPA and number of pretreatment equivalent actions issued by States for IUs.

Pretreatment enforcement actions (AOs and referrals) will be incorporated into the total actions as well as being counted separately. An enforcement action for multiple violations must be counted only once; therefore, Headquarters will assume that the total actions minus pretreatment actions will equal non-pretreatment NPDES actions.

"State" enforcement actions (AOs and referrals) include actions by States with approved pretreatment authority and actions by NPDES States for violation of a pretreatment requirement of an NPDES permit.

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

PRETREATMENT (continued):

2(b) Report, by Region, the number of pretreatment State Civil referrals sent to State Attorneys General, the number of criminal actions filed in State courts, the number of State cases filed, and the number of administrative penalty orders.

2(c) Identify, by State, the number of POTWs that meet the criteria for reportable noncompliance (RNC) and track by State the number of POTWs in that universe where violation. Report EPA and State separately for each action taken: technical assistance, permit/program modification, or formal enforcement. Report, by State, the compliance status (RNC, resolved pending, resolved) of each POTW in that universe by end of year.

DEFINITION/PERFORMANCE EXPECTATION

The active case docket consists of all referrals currently at the State Attorney General and the number of referrals filed in State Court. A case is concluded when a signed consent decree is filed with the State Court; the case is dismissed by the State Court; the case is withdrawn by the State Attorney General after it is filed in a State Court; or the State Attorney General declines to file the case. OEOM will report the same data for Federal referrals; State referrals will be reported to the Regions.

Regions and/or States should apply reportable noncompliance (RNC) criteria to all approved POTW pretreatment programs at least twice between July 1988 and June 1989. All reporting should be a summary of information that is listed and updated on the QNCR on a quarterly basis.

Report POTWs in RNC by EPA State (non-pretreatment State) or pretreatment State. Refer to the Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Requirements (Reportable Noncompliance Guidance) for a definition of reportable noncompliance by pretreatment POTWs. The second quarter report should include the number of POTWs that met RNC between July and December 1988. If a POTW was identified as RNC before July, 1988, and still meets the criteria, it should be counted on the second quarter report. For the fourth quarter report include POTWs in RNC between January and June 1989 and POTWs reported for the second quarter that were not resolved or resolved pending. Credit is given for any of the three

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATION

PRETREATMENT (continued):

2 (c) continued

actions, listed in the measure, that resolves RNC (i.e., results in resolved pending or resolved status). However, if technical assistance is the chosen approach, a schedule for compliance should be established. If the schedule is 90 days or longer, it should be incorporated into an enforceable document.

Compliance status should be reported for all POTWs that were identified as RNC between July 1988 and June 1989. Report the total number of POTWs that are considered reportable noncompliance (RNC), resolved pending (RP), or resolved (RE) as of the final report. POTWs that are in compliance with enforceable administrative or judicial schedules to resolve RNC as of the final report date should be counted as RP.

3(a) Track, by Region, against targets the number of: 1) audits of approved local pretreatment programs conducted by EPA and the number conducted by approved pretreatment States; 2) inspections of approved local pretreatment programs conducted by EPA and the number conducted by the States for POTWs.

A local pretreatment program audit is a detailed on-site review of an approved program to determine its adequacy. The audit report identifies needed modifications to the approved local program and/or the POTW's NPDES permit to address any problems. The audit includes a review of the substantive requirements of the program, including local limits, to ensure protection against pass through and interference with treatment works and the methods of sludge disposal. The auditor reviews the procedures used by the POTW to ensure effective implementation and reviews the quality of local permits and determinations (such as implementation of the combined wastewater formula). In addition, the audit includes, as one component, all the elements of a pretreatment compliance inspection (PCI).

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATION

PRETREATMENT (continued):

3(a) continued

In certain cases, non-pretreatment States will be allowed to conduct audits for EPA. If a non-pretreatment State has the experience, training, resources and capabilities to effectively conduct audits, these audits could be counted. A determination of whether a non-pretreatment State could conduct the audit for EPA will be worked out between EPA HQ and the Region during the commitment negotiation process on a case-by-case basis.

The pretreatment compliance inspection (PCI) assesses POTW compliance with its approved pretreatment program and its NPDES permit requirements for implementation of that program. The checklist to be used in conducting a PCI assesses the POTW's compliance monitoring and enforcement program, as well as the status of issuance of control mechanisms and program modifications. A PCI must include a file review of a sample of industrial user files.

Performance Expectation: At a minimum, audits should be performed at least once during the term of the POTW's permit. Although audit includes all the elements of a PCI, as one component, the activity should not be counted as both an audit and a PCI; it should be counted as an audit. In any given year, all POTWs that are not audited should have a PCI as part of the routine NPDES inspection at that facility, i.e. audits plus inspections should equal 100 percent of approve POTWs, except where mitigating circumstances prevent this (mitigating circumstances will be approved during negotiation process).

For purposes of reporting, both audits and pretreatment compliance inspections should be lagged by one quarter (e.i., same as NPDES inspections)

NOTE: IU inspections are no longer in this measure.

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

PRETREATMENT (continued):

- 3(b) Report the number of EPA and State pretreatment inspections of:
- Industrial users (IUs) that discharge to unapproved POTWs
 - IUs that discharge to approved POTWs (list separately: IU of an unapproved POTW, IU of an approved POTW; EPA, States)

DEFINITION/PERFORMANCE EXPECTATION

An industrial user inspection (IUI) has its own activities that are separate from a PCI or audit, but it may be conducted in conjunction with an inspection or audit of the POTW. The IUI is either a nonsampling inspection or sampling inspection designed to verify IU compliance with applicable self-monitoring requirements, standards, and compliance schedules for pretreatment. A nonsampling IUI should include a review of the overall treatment facility, facility operation and maintenance procedures, IU monitoring procedures and records, industrial processes at the facility, and verify the application of pretreatment standards. The scope of these activities may vary depending on the purpose of the inspection and any data that may already be available to the agency. An IUI for sampling should include all nonsampling activities plus those required to collect and analyze the wastewater for conventional, nonconventional and toxic pollutants.

- 3(f) Track, by Region, against quarterly targets, the number of pretreatment POTWs which Regions/States determine have issued adequate control mechanisms.

This measure is trying to ensure that EPA gets a better understanding of the adequacy of POTW implementation, with an emphasis on how they assess IU discharges and how they impose enforceable requirements to ensure IU compliance with pretreatment limits. The measure is focusing on getting POTW control mechanisms in place and enforceable limits established for IUs, rather than defining EPA/State activity used for making the assessment.

A priority activity in FY 89 is for EPA and States to improve POTW control mechanisms. Emphasis should be on new or upgraded local limits for additional toxic and hazardous pollutants. POTWs should have control mechanisms in place for significant industrial users, including limits based on proper interpretation of effective national categorical standards, enforceable local limits based on headworks analysis and proper interpretation of categorical standards.

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

PRETREATMENT (continued):

DEFINITION/PERFORMANCE EXPECTATION

3(f) continued

Performance Expectation: The performance expectation is linked to the number of POTWs with adequate control mechanisms. Some programs have been in place for five years or more and should have adequate procedures by now. This is the second year of a two year effort in which all POTWs should have in place and be implementing adequate control mechanisms (i.e. enforceable controls on at least 95% of significant industrial users). Therefore, commitment is 100% by FY 89. If EPA or the State has information that control mechanisms do not establish enforceable effluent limits in accordance with minimum pretreatment requirements, then no credit will be given. We would expect that POTWs (the more mature ones) should have adequate mechanisms in place which would require little or no effort by EPA/pretreatment States.

POTWs will be included as having adequate mechanisms if an enforceable schedule has been established through formal enforcement action to assure that adequate control mechanisms will be in place on a expeditious schedule (with a fixed date for final POTW compliance by no later than September 30, 1990). This date should not be exceeded except in unusual circumstances which will be discussed in the commitment negotiation process.

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATION

ENFORCEMENT:

1(a) Track, by Region, the number of major permittees that are: of final effluent limits and not final effluent limits (list on separately: municipal, industrial, Federal facilities, NPDES States, non-NPDES States).

1(b) Track, by Region, the number and percentage of major permittees in significant non-compliance with: final effluent limits; construction schedules; interim effluent limits; reporting violations (list separately: municipal, industrial, Federal facilities; NPDES States, non-NPDES States).

A facility is considered to be on final effluent limits when the permittee has completed all necessary construction (including all start-up or shakedown period specified in the permit or enforcement action) to achieve the ultimate effluent limitation in the permit reflecting secondary treatment, BPT, BAT, or more stringent limitations, such as State required limitations or water quality based limitations, or limitations established by a variance or a waiver. A facility is on a "short-term" schedule (one year or less) for corrections such as a composite correction plan, where compliance can be achieved through improved operation and maintenance (rather than construction) is considered to be on final effluent limits. A facility is reported to be in significant noncompliance with its final effluent limits when it exceeds the criteria for unresolved significant noncompliance found in the Guidance for Preparation of Quarterly and Semi-Annual Non-compliance Reports for any of the following combinations of violations:

- final effluent limit
- compliance schedule (short term/non-construction)
- final effluent limit and compliance schedule
- final effluent limit and reporting requirements
- final effluent limit, compliance schedule and reporting requirements
- compliance schedule and reporting requirements

A facility is reported to be in significant noncompliance with its reporting requirements when it exceeds the criteria for unresolved significant noncompliance for reporting violations only.

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

ENFORCEMENT (continued):

1(a)/(b) continued

DEFINITION/PERFORMANCE EXPECTATION

A facility is considered to be "not on final effluent limits", if the permittee does not meet the definition of a "facility on final effluent limits" or when a permit, court order/consent order or an Administrative Order require construction such as for a new plant, an addition to an existing plant or a tie-in to another facility. A facility is reported to be in significant noncompliance with its construction schedule when it exceeds the criteria for unresolved significant noncompliance violations of:

- construction schedule
- construction schedule and interim effluent limits
- construction schedule and reporting requirements
- construction schedule, interim effluent limits and reporting requirements.

A facility is reported to be in SNC with its interim effluent limits when it exceeds the criteria for unresolved SNC violations of:

- interim effluent limits
 - interim effluent limits and reporting requirements
- A facility is reported to be in SNC with its reporting requirements when it exceeds the criteria for unresolved SNC violations or reporting requirements only.

Major P.L.92-500 permittees are tracked as part of the major municipals.

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATION

ENFORCEMENT (continued):

2(a) Identify, by Region, the number of major municipalities on MCP and the number that are not in compliance with their schedule (report EPA/State separately).

2(b) Report, by Region, the number of major facilities addressed by formal enforcement actions against municipalities that are not complying with their schedules (report State/EPA separately).

Compliance schedules were expected to be established for all majors. Noncompliance with schedule is 90 days past the schedule due date. This is consistent with the definition of schedule noncompliance for Quarterly Noncompliance Report (QNCR preparation and for defining significant noncompliance (SNC)).

Violation of any MCP schedule milestone is still an enforceable action even though only three milestones are considered SNC (start construction, complete construction, and achieve operational level). Action should be taken to enforce against or adjust interim milestones. This is particularly true where the violation of an interim milestone impacts one of the three schedule milestones included in SNC definition.

A section 309(g) penalty Administrative Order (AO) will not by itself, count as a formal enforcement action since it only assesses penalties for past violations and does not establish remedies for continuing noncompliance. Unless the facility has returned to compliance, a 309(a) compliance order should accompany the 309(g) penalty order.

Formal Enforcement Action: An action that requires actions to achieve compliance, specifies a timetable, contains consequences for noncompliance that are independently enforceable without having to prove the original violation, and subjects the person to adverse legal consequences for noncompliance.

Water quality affected minors are those minors that are contributing significantly to water quality impairment. These facilities will most likely be located on priority waterbodies or areas where water quality standards (WQS) are being violated and the facility must achieve secondary or advanced treatment to eliminate adverse water quality impacts.

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATION

ENFORCEMENT (continued):

2(a)/(b) continued

Note that in view of the fact that schedule data for NMP majors is required by the PCS Policy, HQ has established monthly management reports on the status of the NMP schedule slippage. This will rely on PCS. Each month, using the first PCS update after the beginning of the month, HQ will update its files and contact Regions for verification if necessary.

4(a) Report, by Region, the total number of EPA Administrative Orders and the total number of State equivalent actions issued; of these report the number issued to POTWs for not implementing pretreatment. Report the number of proposed Class I and Class II administrative penalty orders issued by EPA for NPDES, pretreatment and 402 wetlands violations.

Headquarters will report EPA Administrative Orders (AOs) and State equivalent actions from PCS. All AOs including administrative penalty orders must be entered into PCS by the 2nd update of the new quarter to be counted in the report. (Include: POTW implementation type pretreatment AOs; IU AOs under pretreatment section 2(a)). For administrative penalty orders, the number of proposed Class I orders and the number of proposed Class II orders should be reported.

4(b) Track the total amount of administrative penalties assessed.

Includes the total penalties assessed from EPA AOs; tracked by Region. Covers only the amount assessed in final orders; can be tracked through PCS.

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

ENFORCEMENT (continued):

4(d) Report the number and percent of AOs in effect June 30, 1988 with final compliance dates between July 1, 1988 and June 30, 1989 which are successfully closed out (the final step is achieved or action is referred to Headquarters or DOJ).

DEFINITION/PERFORMANCE EXPECTATION

The AO will be considered closed-out when the requirements of the order have been completed in full or a judicial action has been referred to Headquarters or DOJ.

A one quarter lag period is provided for review of reports, DMR's and notification to Headquarters on close outs. The actual close out date should occur before 90 days after the schedule compliance date.

For example

<u>AO Schedule to be Closed-Out</u>	<u>Given Until</u>
July - September 1987	December 31, 1987
Oct - December 1987	March 31, 1988
Jan - March 1988	June 30th 1988
Apr - June 1988	September 30th 1988

A subsequent AO may constitute a close out if the second AO satisfied the intent of the original AO. In addition, a penalty AO will constitute a close out. An example of this is where an AO requesting a proposed schedule is not complied with, but a second order prescribing a schedule is issued. However, if a subsequent AO is issued to amend the previous AO to allow for schedule extension, etc., it will not constitute a closeout under this measure.

4(e)(1) Report, by Region, the active State civil case docket, the number of civil referrals sent to the State Attorneys General, the number of civil cases filed, the number of civil cases concluded, and the number of criminal referrals filed in State courts.

The active case docket consists of all referrals currently at the State Attorney General and the number of referrals filed in State Court. A case is concluded when a signed consent decree is filed with the State Court; the case is dismissed by the State Court; the case is withdrawn by the State Attorney General after it is filed in a State Court; or the State Attorney General declines to file the case. OECM will report the same data for Federal referrals; State referrals will be reported to the Regions.

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATION

ENFORCEMENT (continued):

4(e)(3) Track the number of referrals (EPA and State) with penalties assessed.

Referrals with penalties assessed should be reported regardless of the amount of the penalty. EPA referrals will be reported through the DOCKET System. State referrals will be reported through PCS.

4(f) Active Consent Decrees

Remedial actions include motions for contempt, motions to enforce the order, motions for specific performance, collection of penalties and decree modifications.

4(g) Settled Consent Decrees

A case is "concluded" when (1) a final judicial order or a final decree is entered by the Court; (2) the case is withdrawn by a Region (from OECM) or by EPA (from DOJ); (3) the case is declined for prosecution by OECM or DOJ for prosecutorial merit or returned for further development; (4) the case is voluntarily dismissed or dismissed on its merits by the Court. Cases concluded by judicial orders which contain compliance milestones including penalty payments are considered "active orders or decrees" and are tracked in the SPMS consent decree tracking system until terminated.

4(h) DMR/QA Follow-up

DMR/QA follow-up includes the following:

- o Nonrespondents -- nonrespondent notices; when necessary, additional phone calls and letters;
- o Permittees requiring corrective action -- ascertain from permittee sources of errors and corrective actions to be taken;
- o Both -- use for scheduling Performance Audit Inspections (PAIs)

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

ENFORCEMENT (continued):

6(a) Track, by Region against targets, the percent of data entry of WENDB data elements for pretreatment and NPDES.

WENDB elements are the core of information necessary so that PCS can function as a useful operational and management tool and can be used to conduct oversight of the effectiveness, or overall health of the NPDES program. The list of WENDB elements can be found in the PCS Data Element Dictionary. It includes permit facility, permit event, parameter limits, pipe schedule, inspection, evidentiary hearing, compliance schedule, measurement, and enforcement action data.

Regions are expected to maintain 100% data entry of WENDB elements for majors, minor 92-500s, and other minors as required by the PCS Policy Statement.

The § indicator for P.L. 92-500 permittees is to be entered as soon as a permittee who constructed using P.L. 92-500 funding is completed and operational, and the final inspection is approved. The F indicator for permittees on final effluent limits is to be entered as soon as the permittee fulfills the definition of a permittee on final effluent limits.

7(a) Track, by Region, against targets, the number of major permittees inspected at least once (combine EPA and State inspections and report as one number).

NOTE: SPMS only tracks the number of major permittees inspected. OWAS tracks the number of inspections.

Regional and State inspection plans should be established by FY 1989 in accordance with guidance on inspection plans.

7(b) # of Inspections:
-- permittee inspections
-- toxic inspections
-- biomonitoring inspections

As the inspection strategy states, all major facilities

should receive the appropriate type of inspection each year by either EPA or the State. As part of the NPDES inspection, verification of sludge management practices should be conducted

as appropriate. EPA and States collectively commit to the number of major permittees inspected each year with a Compliance Evaluation

Inspection (CEI), Compliance Sampling Inspection (CSI), Toxic Inspection (TOX), Biomonitoring Inspection (BIO), Performance Audit Inspection (PAI), Diagnostic Inspection (DIAG), or Reconnaissance Inspection (RI). Reconnaissance Inspections will only count toward the commitment when they are done on facilities that meet the following criteria:

7(c) Identify number of Regional and State inspection plans.

WATER ENFORCEMENT AND PERMITS

DEFINITION/PERFORMANCE EXPECTATION

- (1) The facility has not been in SNC for any of the four quarters prior to the inspection.
- (2) The facility is not a primary industry as defined by 40 CFR, Part 122, Appendix A.
- (3) The facility is not a municipal facility with a pretreatment program.

Commitments for major permittee inspections should be semi-annual targets and are to reflect the number of major permittees inspected at least once. The universe of major permittees to be inspected is defined as those listed as majors in PCS. Multiple inspection of one major permittee will count as only one major permittee inspected (however, all multiple NPDES inspections will be included in the count for the measure that tracks the total number of all inspections, see next paragraph).

The measure for tracking total inspection activity will not have a commitment. CEI, CSI, TOX, BIO, PAI, RI, and DIAG of major and minor permittees will be counted. Pretreatment inspections for IUs and POTWs will be counted only toward pretreatment inspection commitments. Multiple inspections of one permittee will be counted as separate inspections; Reconnaissance Inspections will be counted. It is expected that up to 10% of EPA resources will be set aside for neutral inspections of minor facilities.

When conducting inspections of POTWs with approved pretreatment programs, a pretreatment inspection component (PCI) should be added, using the established PCI checklist. An NPDES inspection with a pretreatment component will be counted toward the commitments for majors, and the PCI will count toward the commitment for POTW pretreatment inspections. (This will be automatically calculated by PCS.) Regions are encouraged to continue CSI inspections of conjunction with audits or PCIs or those done independent of POTW inspections will be counted as IU inspections.

QUANTITATIVE MEASURES

ENFORCEMENT (continued):

7(a)-(c) continued

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATION

ENFORCEMENT (continued):

7 (a)-(c) continued

Tracking of inspections will be done at Headquarters based on retrievals from the Permit Compliance System (PCS) according to the following schedule:

INSPECTIONS

RETRIEVAL DATE

The First working day
after the second update in:

July 1, 1988 through Sep. 30, 1988	Jan. 1989
July 1, 1988 through Dec. 31, 1988	April 1989
July 1, 1988 through March 31, 1988	July 1989
July 1, 1988 through June 30, 1989	Oct. 1989

Inspections may not be entered into PCS until the inspection report with all necessary lab results has been completed and the inspector's reviewer or supervisor has signed the completed 3560-3 form.

EXCEPTION LIST 9(a)(b)

NOTE: For SPMS report the number only. As part of OWAS, report both the number and the name and the number of quarters the facility has been in SNC. Reporting on these measures should be considerably easier in FY 89 because the data may be automated and be pulled from PCS. Also, the name list must be submitted with the number; only the fact sheet, with justification, will be reported by the 15th day of the beginning of the next quarter.

In regard to all major permittees listed in significant non-compliance on the Quarterly Noncompliance Report (QNCR) for any quarter, Regions/NPDES States are expected to ensure that these facilities have returned to compliance or have been addressed with a formal enforcement action by the permit authority within the following quarter (generally within 60 days of the end of that quarter). In the rare circumstances where formal enforcement action is not taken, the Administering Agency is expected to have a

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATION

ENFORCEMENT (continued):

9(a)/(b) continued

written record that clearly justifies why the alternative action (e.g., informal enforcement action, permit modification in process, etc.) was more appropriate. Where it is apparent that the State will not take appropriate formal enforcement action before the end of the following quarter, the States should expect the Regions to do so. This translates for Exception List reporting as follow:

EXCEPTION LIST: Reporting involves tracking the compliance status of major permittees listed in significant noncompliance on two or more consecutive QNCRs without being addressed with a formal enforcement action. Reporting begins on January 1, 1989 based on permittees in SNC for the quarters ending June 30, and September 30, that have not been addressed with a formal enforcement action by November 30. Regions are also expected to complete and submit with their Exception list a fact sheet which provides adequate justification for a facility on the Exception List. The fact sheet should be submitted by the 15th day of the beginning of the next quarter.

Reporting is to be based on the quarter reported in the QNCR (one quarter lag).

Returned to compliance (refer to the QNCR Guidance for a more detailed discussion of SNC and SNC resolution) for Exception List facilities refers to compliance with the permit, order, or decree requirement for which the permittee was placed on the Exception List (e.g. same outfall, same parameter). Compliance with the conditions of a formal enforcement action taken in response to an Exception List violation counts as an enforcement action (rather than return to compliance) unless the requirements of the action are completely fulfilled and the permittee achieves absolute compliance with permit limitations.

WATER ENFORCEMENT AND PERMITS

QUANTITATIVE MEASURES

DEFINITION/PERFORMANCE EXPECTATION

ENFORCEMENT (continued):

9(a)(b) continued

Formal enforcement actions against non-federal permittees include any statutory remedy such as Federal Administrative Order or State equivalent action, a judicial referral (sent to HQ/DOJ/SAG), or a court approved consent decree. A section 309(g) penalty administrative Order (AO) will not, by itself, count as a formal enforcement action since it only assesses penalties for past violations and does not establish remedies for continuing noncompliance. Unless the facility has returned to compliance, a 309(a) compliance order should accompany the 309(g) penalty order.

Formal enforcement actions against federal permittees include Federal Facility Compliance Agreements, documenting the dispute and forwarding it to Headquarters for resolution, or granting them Presidential exemption.

MUNICIPAL POLLUTION CONTROL

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

MUNICIPAL WASTEWATER TRANSITION TO STATE AND LOCAL SELF-SUFFICIENCY

1(a) % of cumulative net outlays for construction grants and State Revolving Fund (SRF) program to commitment.

The net sum of payments made and recovered from PL 84-660 projects PL 92-500 206(a) reimbursable projects, PL 92-500 contract authority projects, as well as projects funded with Talmadge/Nunn, FY 1977 supplemental, FY 1978 through FY 1989 budget authority, Section 205(g) funds, Section 205(j) funds, section 205(m) funds and all Title VI funds appropriated expressly for SRF.

The cumulative Regional commitment will consist of a construction grants and a SRF component. The performance expectation for the overall cumulative commitment will be + 5%; however, this performance expectation range can be widened as long as construction grants outlays remain within + 5% of commitment and SRF outlays are within a + 10% range.

1(b)(1) % of cumulative gross construction grant obligations to commitment.

Dollar amount of new awards and increases from projects funded with PL 92-500 contract authority, 1977 supplemental, FY 1978 through through 1988 budget authority, Section 205(g) funds and Section 205(j) funds. The amount does not include PL 84-660 and PL 92-500 Section 206(a) reimbursable funds. Region is expected to achieve performance within + 15% of its commitment on a quarterly basis.

Note: In accordance with Agency accounting practices, all funds decreased in FY 1989 that were awarded in FY 1989 will be subtracted from the gross total.

MUNICIPAL POLLUTION CONTROL

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

MUNICIPAL WASTEWATER TRANSITION TO STATE/LOCAL SELF-SUFFICIENCY

1(b)(2) % of cumulative gross SRF grant obligations to commitment.

Dollar amount of construction grant awards and increases funded with funds from section 205(M) and 607(1) of CWA. Region is expected to achieve a performance within + 15% of its commitment on a quarterly basis.

Note: In accordance with Agency accounting practices, all funds decreased in FY 1989 that were awarded in FY 1989 will be subtracted from the gross total.

Addit'l

Notes: This commitment is based on the assumption that Headquarters will complete their review of the capitalization grant agreement in a timely manner (see SPMS-WQ-9).

The Office of Water (OW) recognizes that for the next few years obligations can be transferred between grants and SRF. OW will be flexible in evaluating Regional performance in cases where funds are transferred.

MUNICIPAL POLLUTION CONTROL

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

MUNICIPAL WASTEWATER TRANSITION TO STATE/LOCAL SELF-SUFFICIENCY

2(a) Track, by Region, progress against quarterly Regional-Headquarters targets for the number of States, by name, which have been awarded an SRF capitalization grant (cumulative by quarter).

This is a joint commitment by the Region and Headquarters. All the States are expected to be awarded an SRF capitalization grant by the end of FY 1990. However, States which have not been awarded a capitalization grant by the end of FY 1989 may not participate in any reallocation of FY 1989 SRF funds. Regions are expected to base the proposed commitment on discussions with the States relative to the anticipated complexity of the State's program and the need for review by Headquarters. Headquarters will review and concur in the first application award in each Region as well as other awards involving unique or special circumstances (to be specified by the AA for Water in a separate document.) Where Headquarters review is needed, Headquarters will negotiate final commitments jointly with the Regions. Headquarters will commit to a forty-five day review of an application submitted by the Region. Guidance will be issued on the State program review process in March 1988.

2(b) Number of States which submit an acceptable strategy document for phasing out the construction grants program.

A acceptable procedural document for phasing out the construction grants program would be one that is:

- (1) reviewed and accepted by the Regional Office; and
- (2) includes a comprehensive and achievable strategy, timetable, and resource and funding analysis for phasing out the construction grants program.

Note: OMPC will prepare an outline of the essential elements that should be addressed in the procedural document by the end of FY 1988.

Performance Expectation

Every State is expected to submit an acceptable procedural document by April 1, 1989, to be accepted by the Region by July 1, 1989.

MUNICIPAL POLLUTION CONTROL

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

MUNICIPAL WASTEWATER TRANSITION TO STATE/LOCAL SELF-SUFFICIENCY

2(c) Number of annual reports on SRF. Each State which has received an SRF Capitalization Grant is required to submit an annual report on activities under SRF. The Report must be submitted to the Region within 90 days from the end of the year.* Regions are to commit to the number of reports due by mid-year and the end of the year.

* The "year" referred to here is the State or Federal fiscal year as agreed to by the State and Regional office.

Performance Expectation:

Regions are expected to receive annual reports from SRF States within the 90-day time frame.

POTW TECHNOLOGIES AND INFORMATION TRANSFER

1(a) Number of States implementing formal, proactive small community assistance programs.

In FY 1988 the Regions were required to identify existing, on-going activities and to establish plans for future efforts. In conjunction with HQ support through guidance and direct assistance, HQs is asking Regions and States to implement these plans and to monitor the effectiveness of their efforts.

MUNICIPAL WASTEWATER INFRASTRUCTURE PROTECTION

1(a) Number of facilities whose user charge system and sewer use ordinance were reviewed to confirm appropriate implementation.

Regions and States are being encouraged by Headquarters to expand their FY 1988 efforts from a minimum of 2 user charge system reviews to minimum of between 5-10 reviews. To assist local officials with wastewater treatment decisions under SRF, HQ is also encouraging States to conduct Statewide user charge surveys. A contractor will be available to assist the States and the results of these surveys will be consolidated and presented to Congress as part of the 1990 study.

MUNICIPAL POLLUTION CONTROL

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

MUNICIPAL WASTEWATER INFRASTRUCTURE PROTECTION

1(b) Number of minor POTW's returned to compliance or taking needed corrective actions to return to compliance as a result of an Operations Management Evaluation (OME).

An Operations Management Evaluation (OME) is a problem diagnostic and on-site assistance program to assist compliance by small (up to 5mgd) POTWs that received Federal funds. States and Regions should emphasize facilities in non-compliance with NPDES effluent requirements, although non-discharging facilities with O&M compliance problems may also be addressed. Candidate POTWs are identified through DMR, on-site, or Quality Assurance/Quality Control sample reviews.

Performance Expectation

States and Regions are expected to commit to a total of: 1) the number of minor POTWs that are returned to compliance for at least three consecutive months during the fiscal year, and 2) the number that are not yet in compliance, but are on schedule with an action plan and timetable for resolving significant design, construction, equipment, or other problems, possibly extending into the next fiscal year. POTW's returned to compliance and those on schedule with their action plan should be reported separately at the mid- and end-of-year; reports should also distinguish Regional and State OME accomplishments.

State activity is expected to be based primarily on EPA grants, although State-funded on-site assistance meeting the above definition may also be counted. Regional OMEs should be negotiated with each State, and reflect a number consistent with the FY 1989 resource allocation.

MUNICIPAL POLLUTION CONTROL

QUANTITATIVE MEASURE

MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANTS PROGRAM

1(a) Number of Step 3, Step 2&3, Step 7, Marine CSO and PL 84-660 projects initiating operations during FY 1989.

DEFINITION/PERFORMANCE EXPECTATION

A Step 3, Step 2&3, Step 7, Marine CSO, or PL 84-660 project is considered to have initiated operations when one of the following occurs:

- o For projects awarded after 12/29/81, the date of "Initiation of Operation": N7 = 'Ab' or 'Bb' or 'Fb'.
- o For projects awarded before 12/29/81, the date of "Physical Completion": N5 = 'Ab' or 'Bb' or 'Fb'.

Performance Expectation

An acceptable commitment would be 85% or greater of the number of projects targeted for initiating operations (in GICS) during FY 1989.

MUNICIPAL POLLUTION CONTROL

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANTS PROGRAM

1(b) Number of backlogged Step 3, 2&3, Step 7, Marine CSO, and PL 84-660 projects administratively completed.

A project is considered administratively complete when a final audit is requested, or for projects that cannot be sent to OIG because of related on-going projects, when all of the administrative completion requirements have been satisfied.

Performance Expectation:

Begin FY 1990 with no backlogged projects and administratively complete those additional projects planned for administrative completion in FY 1989.

An acceptable commitment would be the number of projects awaiting administrative completion at the beginning of the fiscal year.

The negotiated FY 1989 commitment will be based on two components:

- (1) A projected specific list which includes all those projects that must be completed in FY 1989 in order to enter FY 1990 with no backlogged projects.
- (2) Other workload projects planned for administrative completion in FY 1989.

The Preliminary Regional commitment will be subject to negotiations at the beginning of FY 1989 based on actual FY 1988 performance.

A "backlogged project" is defined as:

- o A Step 3, Step 2&3, or PL 84-660 project awarded before 12/29/81 which has been physically complete for more than 12 months, but has not yet been administratively completed.
- o A Step 3 or Step 2&3, Step 7, Marine CSO project awarded after 12/29/81 which has initiated operations for more than 18 months, but has not yet been administratively completed.

MUNICIPAL POLLUTION CONTROL

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANTS PROGRAM

1(c) Number of Step 1 and Step 2 projects administratively completed.

A project is considered administratively complete when a final audit is requested, or for projects that cannot be sent to OIG because of related, on-going projects, when all of the administrative completion requirements have been satisfied.

Performance Expectation:

The performance expectation is to administratively complete all remaining Step 1 and Step 2 projects.

An acceptable preliminary commitment would be one which equals the estimated number of Step 1 and Step 2 projects awaiting administrative completion at the beginning of FY 1989.

The preliminary Regional commitment will be subject to negotiations at the beginning of FY 1989 based on actual FY 1988 performance.

MUNICIPAL POLLUTION CONTROL

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANTS PROGRAM

1(d) Total dollar value (grant amounts) in preconstruction lag status expressed as a percent of annual allotment.

Preconstruction lag is defined as the delay of Step 3 projects, Step 7 projects, and Marine CSO projects which have not initiated building within 9 months of approval of plans and specifications. The initiation of building is defined as the date of issuance of a notice to proceed for all significant elements of the project, or, if a notice to proceed is not required, the date of execution of all significant contracts on the project.

GICS select logic for start of last significant elements is: KC="A", "F", "B". Dollar amount of lag in KC can be reduced by use of data elements V7 and V8.

Performance Expectations:

The objective of this measure is to minimize and reduce the dollar value of projects in preconstruction lag status, expressed as a percentage of the annual allotment. This measure will be used an indicator of the completeness of grant award packages, and the effectiveness of schedule management. Headquarters will review the proposed performance and analyze the Regional actions taken to minimize and reduce lags.

MUNICIPAL POLLUTION CONTROL

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANT'S PROGRAM

2(a) Number of assistance disputes arising under 40 CFR Part 30, Sub-part L, for which decisions are issued by the RA, or which are settled or withdrawn.

The commitment for this measure is comprised of two parts:

- (a) a commitment for the first two quarters, based on disputes "in-house" as of 9/30/88; and
- (b) a second commitment at mid-year for disputes received during the first half of FY 1989.

Note: Commitment includes only construction grants/CMAG assistance disputes arising under Subpart L.

Performance Expectation

During FY 1986, the Office of Water Accountability System required the Regions to incorporate time-based goals into the steps of the Regional disputes process. This required that interim and final milestone dates be established (e.g., date of informal conference, dates when program/legal review were completed, date RA decision was issued) for resolving a dispute when the dispute was filed. During FY 1987, the Region was measured against meeting those goals. Regions are advised that different sets of goals can be established depending upon the complexity of a particular dispute (e.g., simple, moderate, or difficult). A complex dispute involves a significant amount of technical and/or legal analysis in order to issue a reasonable decision or achieve a settlement. The target performance expectation is that all disputes will be resolved no later than 6 months after the dispute is filed. During FY 1989, the goal will be to complete 90% of the disputes within 6 months; however, the complexities and extent of remaining cases will be taken into account when negotiating targets.

MUNICIPAL POLLUTION CONTROL

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANTS PROGRAM

3(a) State Priority Lists submitted by August 31, accepted by September 30, and entered in GICS no later than October 31.

Requirements have been expanded from FY 1988 to include the full process for PPL submission by the States, acceptance by the Region and entry into GICS. See 40 CFR 35.2015(e).

4(a) Track, by Region, the number of project inspectors trained in monitoring project safety.

Performance expectation is to get all inspectors trained in monitoring project safety. The commitment is a combination of EPA, State and Corps inspectors which are projected for training during the FY.

4(b) Number of Regional-OSHA Agreements Executed.

The performance expectation is to have an executed agreement in each Region.

5(a) % of Corps utilization vs. Workplans.

Although this is not regarded as a Regional commitment, Headquarters does intend to track and evaluate how well the Region integrates Corps work planning and State planning and management. Both State and Corps performance should be evaluated on the same standard. Where outputs require input/output from both, evaluation must consider joint planning and execution.

MUNICIPAL POLLUTION CONTROL

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANTS PROGRAM

5(b) Number of final construction inspections conducted by the COE.

Final construction inspections determine whether construction of a project has been completed. A determination is made that:

- o All construction associated with the last contract under that grant is completed in accordance with the approved plans, specifications, and change orders (except for minor components such as landscaping);
- o All equipment is operational;
- o Laboratory facilities, if part of the approved plans and specifications, are available to conduct tests in certain States;
- o The facilities are operating as designed (note that the Corps may not be responsible for this in certain States).

Performance Expectation

A final construction inspection will be conducted on all grant projects approximately at the time of initiation of operations or physical completion. Accordingly, the commitment will be reviewed against the related OWAS commitment for those States where COE final construction inspection is performed.

MUNICIPAL POLLUTION CONTROL

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANTS PROGRAM

6(a) Number of affirmative certifications that are behind schedule or are targeted in the measurement period.

The measure will be based on a universe of projects having performance certification dates targeted during the measurement period. These target dates will be calculated using the initiation of operation date (actual N7) plus 14 months. The universe will also include those projects with an approved CAR with a retargeted certification date (T3) during the measurement period. In addition, those projects with an overdue affirmative certification, and without an approved CAR, will also be included.

Performance Expectations

All projects under corrective action provide an affirmative certification in accordance with the scheduled (T3) date in the CAR. All other projects in the described universe provide an affirmative certification or an approved CAR within the measurement period. No project can complete the one-year performance certification period without providing a certification or an acceptable CAR.

MUNICIPAL POLLUTION CONTROL

QUANTITATIVE MEASURE

DEFINITION/PERFORMANCE EXPECTATION

MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANTS PROGRAM

6(b) Number of projects and
% of projects that provide
affirmative certification
on schedule without
corrective action.

Numerator equals the actual number of projects that provide
affirmative certification at the end of the one-year performance
period without corrective action.

Denominator equals all projects that are targeted to complete the
one-year performance period and provide an affirmative certifi-
cation during the measurement period. These target dates will be
calculated using the initiation of operation date (actual N7) plus
14 months.

Performance Expectations

Target performance is that 90% of the projects targeted will
provide affirmative certification at the end of the one-year
performance period without corrective action.

7(a) % of accepted VE
dollar savings.

Performance of accepted dollar savings:

numerator - includes the estimated dollar savings for each
recommendation which has been (or will be)
implemented by the grantee.

denominator - includes the estimated dollar savings for
for each recommendation made by the VF team
in its report to the grantee.