

WORK PLAN HANDBOOK
FOR
SECTION 208 AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING



ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D. C. 20460
FEBRUARY 1975

WORK PLAN HANDBOOK
FOR
SECTION 208 AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING



ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D. C. 20460
FEBRUARY 1975

LIBRARY
ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D. C.

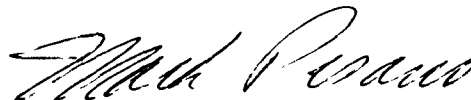
PREFACE

Section 208 of the Water Pollution Control Act Amendments (P.L. 92-500) provides financial support for areawide waste treatment management planning. In carrying out the provisions of this Section, EPA has published:

- 40 CFR Part 35 Subpart F -- Interim Grant Regulations for Areawide Waste Treatment Management Planning Agencies (May 1974).
- Draft Guidelines for Areawide Waste Treatment Management Planning (May 1974).
- Area and Agency Designation Handbook for Section 208 Areawide Waste Treatment Management Planning (January 1975).

The purpose of this handbook is to provide additional details on the preparation of areawide planning work plans. Examples are provided in this handbook as further assistance to locally designated planning agencies in preparing their 208 work plans. Although the handbook is referred to as a Work Plan Handbook, it covers several topics in addition to the contents of a work plan. These additional topics are included in the Application Requirements, Section 35.1054-2, of the Interim Grant Regulations. The response to these application requirements should be a logical extension to the application for areawide designation.

This handbook was prepared by Michael L. Frankel, Centaur Management Consultants, Inc., under the direction and support of the EPA 208 planning staff.



Mark A. Pisano
Director, Water Planning Division
Washington, D.C.

WORK PLAN HANDBOOK
FOR
SECTION 208 AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING
CONTENTS

| | <u>Page</u> | <u>Subsections of 35.1054-2</u> |
|--|-------------|-------------------------------------|
| PREFACE | i | |
| INTRODUCTION | 1 | |
| I. OBJECTIVE OF THE PLANNING PROCESS | 4 | (f)(1), (g) |
| II. OUTPUTS OF THE AREAWIDE PLAN | 8 | |
| III. WORK PLAN CONTENTS | | |
| A. Scope of Plan | 10 | (f)(3) |
| B. Work Performed to Date | 12 | (f)(2) |
| C. Coordination with other Environmental Activities | 14 | (f)(4) |
| D. Compatibility with other Plans | 18 | (c) |
| E. Public Participation | 20 | (f)(9) |
| F. Detailed Schedule | 22 | (f)(5) |
| G. Resource Budget | 26 | (f)(6) |
| H. Disbursement and Milestones | 28 | (f)(7) |
| IV. AREAWIDE ADVISORY COMMITTEE | 30 | (d) |
| V. FINANCIALLY SELF-SUSTAINING PLANNING PROCESS | 32 | (e) |
| VI. STATE CERTIFICATION | 34 | (a) |
| VII. OMB CIRCULAR A-95 CERTIFICATION | 36 | (b) |
| APPENDIX: | | |

40 CFR Part 35 Subpart F -- Interim Grant Regulations
for Areawide Waste Treatment Management Planning
Agencies (May 1974)

INTRODUCTION

Through Section 208 of the Federal Water Pollution Control Act Amendments of 1972, local areas are provided a unique opportunity to plan and manage a comprehensive pollution control program for municipal and industrial wastewater, storm and combined sewer runoff, nonpoint source pollutants, and land use as it relates to water quality. Through a locally controlled planning agency, an area can select a cost-effective and institutionally feasible plan to meet the 1983 goals of the Act for "swimmable and fishable" waters. The function of the 208 planning process is to refine this goal for the specific conditions of the 208 area. The plans should focus on an integrated approach for identifying and controlling the most serious water pollution problems initially and, over time, resolving the remaining problems. Particular emphasis should be placed upon non-structural approaches to pollution control (fiscal policy, land management) rather than traditional structural measures normally requiring large investments.

The purpose of this handbook is to provide additional guidance to designated Section 208 planning agencies on the requirements for the preparation of work plans.

The work plan should describe the activities, schedules, resources, and procedures that a local planning agency will bring to bear in preparing the Section 208 areawide plan. Since it preceeds a lengthy planning process, with many unanticipated problems, the work plan may undergo revisions during the actual planning period. However, the work plan should be initially well thought out and complete enough to carry on the planning process. The work plan should not represent a simple exercise to start the planning process only to be scrapped as soon as the planning gets underway. Another common pitfall occurs when one group prepares the work plan and another takes over the actual Section 208 planning. Therefore, in addition to preparing a good and complete work plan, the persons responsible for the eventual 208 areawide plan should also be involved in preparing the original work plan.

The work plan information follows the submission of information for area and agency designation. It should amplify the commitments by local units of government to the Section 208 program. The work plan should emphasize the activities in a two-year planning period as well as the local intent to carry on with implementation of the plan by continuing to expand, revise, and update the plan. This "downstream" commitment must be considered in the early phases of developing a work plan.

This handbook is arranged in a series of detailed explanations and examples for the requirements of a work plan. In most instances the examples are in abbreviated summary form to illustrate the required response. The handbook covers:

- Objectives of the planning process
- Outputs of the areawide plan
- Work plan contents
- Areawide planning advisory committee
- Provisions for financially self-sustaining planning
- State Certification
- Coordination through the OMB A-95 process

The work plan recommended by this handbook is based on a succinct plan of action rather than a rambling statement. Care should be taken to restrict the material to a plan for the management of the planning process rather than the actual contents of the Section 208 areawide plan.

— N O T E —

This handbook is designed to help local planning agencies respond to the application requirements for Section 208 area-wide planning assistance. The examples in this handbook do not constitute a uniform EPA standard of acceptability. The work plan submissions of local planning agencies should reflect local conditions and levels of detail that have been coordinated with the EPA Regional Office.

I. OBJECTIVES OF THE PLANNING PROCESS

The aim of the planning process is to formulate an areawide waste treatment management plan that can be implemented. The planning process must integrate technical means for pollution control and management arrangements capable of implementing the controls, and provide for public participation in plan development. The overall objective is to overcome the complex water pollution problems for which the area was designated as a 208 planning area. More specifically:

- Areawide planning objectives are to be directed at meeting the 1983 water quality goals. Planning agencies must work with the States to be sure that planning efforts are directed at standards that incorporate these goals and the desires of the public.
- Planning efforts should be placed in priority, stressing outputs that relate to controlling the most serious water pollution sources in the area, especially outputs that can be reasonably implemented in the next five years. Those problem areas for which there are no, or only limited, feasible solutions should be given lower planning priority.
- Interim planning outputs, especially those related to continuing municipal treatment works construction and land-use information, should be singled out for early completion.

The areawide plan should incorporate all necessary methods to protect or upgrade water quality to the levels that correspond to the 1983 goals of the Act.

By the summer of 1975, EPA will publish water quality criteria information under Section 304(a) of the Act for the establishment of State water quality standards. The criteria will generally represent minimum acceptable levels of water quality for related uses, unless local circumstances are shown to support less restrictive criteria for specific parameters. Exceptions to the 1983 water quality goal of swimmable and fishable waters may be allowed under either : (i) naturally occurring conditions, (ii) mutually conflicting uses of the waters or (iii) technological infeasibility.

Antidegradation statements included in present standards provide in general terms that no degradation of high

continued ...

quality waters will be allowed except for limited reductions of water quality in justified cases. The objectives of the 208 areawide plan should take into consideration the State's policy and the state's strategy for antidegradation. For high quality waters, the State has the opportunity of determining whether to allow degradation down to the 1983 goal or to provide for more stringent levels of protection, up to no discharge in order to protect present quality. Alternatively, the State may choose to allow degradation of waters with a water quality level presently above the 1983 goal. In no instance, however, is the water quality to be degraded to a level where the 1983 goal is no longer sustainable. The State's planning process, in coordination with the local planning agencies, will be the basis for applying these guidelines to individual bodies of water.

EXAMPLE

Objectives of the Planning Process

The following objectives have been adopted by the COG:

- Representing local interests in State reviews of water quality standards for the planning area.
- Achievement of these standards.
- Environmentally sound development of the planning area.

More specifically, the COG will address these objectives with the following program elements:

1. Water Quality Standards. The COG will consult with the State and with the public to determine the locally desired uses of waters. It will furnish the public with information as to the types of actions or controls and the technical feasibility of achieving these standards. After this consultation, the COG will represent the area in the standard setting process with the State. This activity has been given the highest priority.
2. Municipal Facilities. During the standard setting process, the COG, in consultation with operational agencies and local governments, will determine service areas for municipal treatment priorities. Since 3 construction grants are needed prior to June of 1975, specific sub-priorities have been developed for this program.
3. Waste Load Allocations. The COG proposes to work with the State to obtain revisions, based on the tentative standards, to provide waste load allocations for all sources. Revised allocations are planned for April 1975.
4. Pretreatment Regulations. The COG and the operating agencies will jointly develop a set of pretreatment requirements in coordination with EPA's pretreatment regulations, and a program to carry out those requirements. This program is to be completed by the Spring of 1975.

continued ...

EXAMPLE

Objectives of the Planning Process (continued)

5. Land-Use. In view of the rapid growth of the fringe area, the COG believes that particular emphasis must be placed on (i) developing additional land development controls to guide subdivisions and to minimize the storm drainage problem; (ii) determining preliminary routing, sizing and timing of major sewer interceptors; and (iii) updating land use plans to determine sewer interceptors and treatment facility requirements for each subarea.
6. Non-Point Sources. The COG does not anticipate any work on silviculture, mining, and salt water intrusion since these problems are not encountered in the area. After consultation with the State, it has been decided that a full program, regulating construction activity and controlling urban runoff and runoff from solid waste disposal sites, will be completed during the planning period. The COG will collect sufficient data to determine the magnitude of the remaining non-point source problems and their possible solutions. The schedule for further non-point source work will be determined jointly with the State Water Pollution Control Administration.
7. Preservation and Protection. The COG is mindful of the streams in the area that presently have water quality above the 1983 goal for "swimmable and fishable" waters. In order to preserve and protect these waters, the COG will include in its planning efforts the investigation of zoning which permits no discharges into those streams, the allowance of additional discharges provided they are equal to the quality of the water, and the provision of growth up to an established maximum stream load.

II. OUTPUTS OF THE PLANNING PROCESS

The specific outputs of the planning process will relate directly to the water quality objectives of the area, the institutional setting of the area, and the particular pollution problems encountered in the area. The outputs may include some or all of the following items.

- Identification of anticipated municipal and industrial collection and treatment works to be constructed over a 20-year period.
- Where 201 Step 1 planning is not in progress, planning for facilities eligible under 40 CFR 35.917-1(a)-(i) and 40 CFR 35.1062 and for which Step 2 or Step 3 grant assistance is expected during the five year period following 208 plan approval.
- Identification of required urban stormwater runoff control systems and management practices.
- Establishment of construction priorities over 5- and 20-year periods.
- Establishment of a regulatory program to: 1) provide for waste treatment management on an areawide basis and for identification, evaluation, and control or treatment of all point and nonpoint pollution sources; 2) regulate the location, modification, and construction of waste-discharging facilities; and 3) assure that industrial or commercial wastes discharged into publicly-owned treatment works meet applicable pretreatment requirements.
- Identification of agencies necessary to construct, operate, and maintain facilities required by the plan and otherwise carry out the plan.
- Identification of nonpoint sources of pollution related to agriculture, silviculture, mining, construction, and certain forms of salt water intrusion, and procedures and methods (including land use requirements) to control those sources to the extent feasible.
- Processes to control the disposition of residual waste and land disposal of pollutants to protect ground and surface water quality.
- Selection of a management agency(s) and institutional arrangements to implement the plan and identification of the major management alternatives (including enforcement, financing, land use and other regulatory measures and associated management authorities and practices).
- A schedule for implementing all elements of the plan, including identification of the monetary costs and economic, social, and environmental impact of implementation.
- Plan revisions and updates, especially for those problems not resolved in the 2-year planning period.

A list of analytic steps and specific outputs is shown in the accompanying example. Not included in this list are outputs related to schedule of implementation, cost of implementation, recommendations of local government units, required certifications, and provisions for performance assessments.

EXAMPLE

Analytical Steps and Planning Outputs

Point Source

- A. Definition of service areas, planning areas, and wasteload limitations for municipal treatment works.
- B. Inventory of point source discharges.
- C. Wasteload allocations for industrial, municipal, and private wastewater dischargers for use in the permitting system (NPDES) and for use in detailed design of individual treatment facilities.
- D. Preliminary cost estimates for municipal waste-water systems including system configurations, locations and capacities, and treatment levels and types for the 20-year planning period.
- E. Establishment of construction priorities for municipal treatment works and the time schedule for their initiation and completion.
- F. Hookup schedule to municipal treatment works.
- G. Identification of industrial treatment works construction and schedule of discharges from such works to receiving waters or to municipal treatment works.
- H. Industrial pretreatment requirements and ordinances.
- I. Specification of controls of residual waste and land disposal of pollutants.
- J. Specification of urban stormwater systems including design requirements and flow retardation and storage structures.
- K. Identification of corrective measures for combined sewer problems.

Nonpoint Source

- A. Identification of major nonpoint sources and their impact on water quality.
- B. Identification of those nonpoint source problems which can be most easily and immediately solved.
- C. Specification of nonpoint source control mechanisms.
 1. Temporary storage areas in new development areas
 2. Street sweeping program
 3. Nonpoint source regulatory controls

Land Use

- A. Tables showing population and economic projections for the fifth, tenth, and twentieth year of the planning period disaggregated to the sub-municipal or equivalent level.
- B. Working maps based on zoning and other applicable ordinances showing residential, commercial, industrial, and other land uses. These maps should also include major transportation arteries and major public facilities.
- C. Working maps showing critical water quality/environmental areas including steep slopes, poorly drained soils, wetlands, and flood plains.
- D. Working maps depicting the type, pattern, amount, and location of growth, disaggregated by sub-areas and extent of development for the fifth, tenth and twentieth year of the planning period.
- E. Identification of land use regulatory controls to meet water quality objectives.

Regulatory-Institutional Program

- A. Identification of management agency(s) to carry out the plan.
- B. Description of management agency(s)' authorities needed to carry out the plan.
- C. Certification that the management agency(s) have the authority to carry out the plan.
- D. Specification of land use controls to carry out the plan.
 1. Zoning
 2. Conservation easements
 3. Development permits
 4. Hillside development and grading regulations

In those cases in which the necessary land use controls are not in use when the 208 plan is certified, draft ordinances must, at a minimum, be provided.
- E. Specification of nonpoint source controls to carry out the plan.
 1. Sanitary landfill regulations
 2. Anti-littering ordinances
 3. Construction permits
- F. Specification of the institutional arrangements to carry out the plan. For example:
 1. Description of the relationship between the management agency(s) and other agencies whose actions will significantly affect plan implementation.
 2. Identification of the agencies responsible for.

| | |
|----------------------------|-----------------------|
| a. facilities construction | e. planning |
| b. regulatory control | f. monitoring |
| c. wastewater treatment | g. enforcement |
| d. fiscal program | h. laboratory support |
 3. Interagency mechanisms such as:
 - a. contracts
 - b. memoranda of agreement and understanding

Financial Program

- A. Legal opinion from agency(s)' counsel that the designated management agency(s) have the legal authority to undertake the financing necessary for plan implementation.
- B. Independent auditors report describing the financial capacity of the designated management agency(s) to implement the plan.
- C. Industrial cost recovery provisions.
- D. User charges provisions.
- E. Provisions that participating communities pay a proportionate share of treatment costs.
- F. Projection of financial means to provide wastewater treatment works over 20 year period, with detailed projections for first five years.
- G. Provisions for funding the continuing planning process
- H. Description of the relationship between the regulatory and financial programs.

III. WORK PLAN CONTENTS

A. Scope of Plan

The scope of an agency's planning should reflect an understanding of the water quality problems in the area. Recognition of these problems should reflect the statements that were made during the designation process to substantiate the complex water problems of the area. Reference should also be made to problem statements in the Section 303(e) basin plans and the Section 106 State Programs. The work plan should state these specific problems related to priorities for local action.

In general, the water quality problems that should receive the greatest priority initially are municipal and industrial point source problems, and non-point source problems that can be dealt with through better management practices. For most areas lower priority can be placed on non-point source and stormwater problems in the existing developed areas. For each type of water quality problem, however, priority attention should be placed on regulatory approaches which will help prevent problems from occurring and, thereby, lessen the need for remedial pollution abatement.

EXAMPLE

Scope of Plan

The following list of problem areas define the scope of the COG planning effort:

- Inadequate municipal treatment of waste-water for dry weather flow.
- A special set of problems of the Valley Sewerage Commission, which includes thousands of industrial discharges to the collection system, numerous combined sewer overflows, inadequate treatment, a massive sludge management dilemma, and the complex organizational arrangement of VSC.
- Combined sewer systems in many municipalities which overflow frequently to the streams and water bodies of the region.
- Sludge management in this area of high air pollution, meager land disposal areas, and sensitive ocean environment.
- Industrial wastewater disposal and reuse in a highly industrialized area with low stream flows.
- Inadequate future water supply without the potential of wastewater reuse for industry and parkland irrigation.
- Pollution resulting from the numerous landfills.
- Thermal pollution, present and future, as the need for electric power continues to increase.
- Institutional and management complications due to many municipalities, authorities, water purveyors, and inadequate legislation.
- Flood control plans and water supply plans have gone unimplemented, both of which may ultimately affect water quality planning.
- Rural and suburban runoff have developed into pollution concerns worthy of immediate attention.
- Uncontrolled development (aggravated by new Interstate highways) which may override the carrying capacity of the natural environment and result in degraded water quality.
- Present sewerage systems are on a municipal or very small subregional level due to limited development. As development increases, these systems will most likely be unable to reliably maintain the advanced degree of treatment necessary for watershed protection; thus, sewerage development must match or precede development of the area.

III. WORK PLAN CONTENTS (continued)

B. Work Performed to Date

The work plan should include a list of previous or on-going work and outputs that will be available to the planning process. For most metropolitan areas a wide variety of related planning work, data, and pertinent information has been accomplished and would prove useful to the 208 areawide planning. These related activities should include those of local government units, State governments, agencies and commissions, and Federal or Federally sponsored activities. Of particular interest is information from completed and on-going basin planning, facilities planning, COE Urban Studies, HUD 701 planning and NOAA Coastal Zone Management planning.

The work plan response, as shown in the example, is a list of activities, report titles, maps, computer programs or files, etc. Included is a brief statement on the work content. If relevant studies exist in the area but are not to be used in the areawide plan, this should be noted with a justification for not using the information.

EXAMPLE

Work Performed to Date

Several plans and studies have been prepared or are in preparation by RCOG and other agencies that will be used as input to the 208 planning effort. Included in these are the following items:

- (a) The 1990 Regional Sewer Plan by the Valley Sanitary Sewer Commission is adopted but is in need of updating and major expansion and revision. It will be used as a source document for land-use inputs and facility plans.
- (b) The Interim Water Quality Management Plan by RCOG is based on the regional plan and will be used as a source document for the revision of waste load allocations and the standard setting process.
- (c) The 1990 Regional Land Use Plan by the County Planning Board is the basis for all functional elements in that it provides land use and population estimates and forecasts. This plan is now undergoing major revisions. It will be used as the major source of area growth patterns.
- (d) Current Population Estimates (1974) by the State Department of Water Resources will be used as the population source document for estimates of municipal facility reviews.
- (e) Alternative Population and Employment Forecasts by the Department of Labor will be used as the source document for control totals on future major employment sectors and population (by age and sex). It will be used as an input to regional economic forecasts.
- (f) Housing Market Analysis (1974) by RCOG is the source document for current housing stock and control totals for future housing demand (by type of units). It will be used as a source of sewer service projections.
- (g) Facility Plans (1974) by the Sanitary Sewer Commission are currently in the planning phase at Store Point and Wilkes. The data collected for these studies will be incorporated in the areawide plan.
- (h) On-going studies describing the natural environment and policies for the preservation thereof include the Moment, Fountain, Sand and Jimmy Camp Creeks Flood Plain analyses, the reports on land capability and ecology prepared by RCOG, the various maps and unpublished work on soils, topography, drainage basins, developing areas, etc.

In addition, the following information will be obtained from several levels of local and State governments:

- State monitoring programs
- Current 303(e) plans
- Results from permit applications
- Development information from communities including zoning laws, land use plans, sewerage maps, etc.

III. WORK PLAN CONTENTS (continued)

C. Coordination with other Environmental Activities

The work plan must take into consideration other planning activities that may influence the water quality environment of the area. These include both EPA activities and those of other State, local, and Federal assistance agencies. The work plan should identify proposed relationships to coordinate the 208 planning process with other planning efforts such as:

| | |
|---------------------------------------|---|
| Local and regional land use plans | HUD 701-Comprehensive Plans, land use elements |
| River Basin plans | Areawide Transportation plans |
| Facilities plans | State Coastal Zone Management plans |
| Statewide 208 plans | COE-Urban Studies Program |
| Air Quality Maintenance Area planning | USDA-Forest Service and Soil Conservation Service |
| Solid Waste Management Plans | |

The coordination with these activities should include the proposed use of (1) consistent data bases, including growth projections (2) complimentary strategies (3) periodic 208 area-wide plan reviews by other agencies to meet their environmental or environmentally related objectives, and (4) periodic reviews of other areas' planning activities to ensure the consideration of their impact on water quality.

The response to this requirement, shown in the accompanying example, should list the specific steps that are planned to accomplish the coordination between the 208 areawide planning and other environmentally related planning efforts.

If the designated planning agency anticipates the need for planning support from other local or State agencies, then those agencies and their contributions should be identified in the work plan. The work plan should indicate how the support will be coordinated, either during the planning phase or during both the planning and implementation phases. The work plan should also show the understanding (e.g., memorandum of understanding, etc.) between the planning agency and other agencies.

The examples shown in response to this requirement are letters of understanding between local and State agencies and the designated 208 planning agency agreeing to participate in the area-wide planning process.

EXAMPLE

Statement of Coordination with Other Environmental Plans

The proposed work plan accounts for previous environmental planning, as well as the coordination with on-going efforts. The planning agency pledges its support of a coordinated planning program, which will account for, at minimum, the following major environmental planning/study efforts affecting the 208 Area:

| <u>Study Title</u> | <u>Lead Agency</u> |
|---|---|
| 201 Facilities Planning for Major Treatment Works - Penz Harbor S.T.P. - Army Base S.T.P. - Thomas Point S.T.P. - Waren (Western Branch) S.T.P. | Sanitation District Commission |
| Jones River Basin Study | State Water Control Board |
| NPDES Permit Studies | State Water Control Board |
| Coastal Zone Management Study | Division of State Planning & Community Affairs |
| Water Quality Monitoring Program | State Water Control Board |
| Jones River Basin Study | Corps of Engineers |
| Norma River Basin Study | State Water Quality Agency |
| Area Transportation Plan | Department of Highways |
| Air Quality Maintenance Area Studies | State Air Pollution Control Board |
| Regional Comprehensive Planning Programs | Peninsula Planning District |

The lead agencies coordinate their efforts with applicable Federal agencies (e.g., Div. of State Planning and Community Affairs with NOAA on Coastal Zone Management).

The river basin studies will provide the inputs for revisions to the waste load allocations and the area's water quality standards. The permit study will support the point source control strategy alternatives with information on the effluent loads of major point sources. The monitoring program will help establish the feedback mechanism to evaluate control actions. Coordination with air pollution plans will establish consistent projections for growth to meet both air and water standards. Coastal zone and regional plans will be used as basic land use inputs to determine patterns of development and projections of land use. Existing 201 facilities plans will form a major input of pollution control actions and their impacts on the areawide plan.

EXAMPLE

Statement of Coordination with Other Environmental Plans

TO: Mr. T. Rolf, Director
FROM County Planning Agency
SUBJECT: Areawide 208 Planning Participation

The County Planning Agency is pleased to support your request for revised land use plans. The Agency agrees to participate with RPG in preparing the necessary inputs to the Section 208 areawide plan and to make the applicable changes to the 1977 county land use plan. These changes consist of revisions to current maps to show the areawide land use features on a 1" = 2000 ft. scale on all census tracts within the SMSA.

The County Planning Agency will meet with the area-wide planning advisory committee to lay the groundwork for discussion of major land use policy issues. Following these meetings the County Planning Agency will work with the land use task force of the RPG planning staff to develop the details of recommended land use controls. More specific land use planning activities to be performed by the County Planning Agency will be defined in the on-going work with the task force. The results of these discussions will be factored into the overall planning schedule.

continued...

EXAMPLE

Statement of Coordination with Other Environmental Plans

TO: Mr. T. Rolf, Director
Regional Planning Groups

FROM: State Water Control Board

SUBJECT: Areawide 208 Planning Participation

The State Water Control Board will assist the Regional Planning Group in providing river basin study inputs to the 208 areawide planning program. The initial support will be in revising the waste load allocations, in schedules of compliance, and in the coordination of the water quality standards to be achieved by the areawide plan.

More specifically, the planning support to be provided by the State will consist of the following work elements:

- Classify stream segments.
- Assemble existing water quality data and note applicable standards.
- Assemble existing inventory of discharges.
- Assemble estimates of existing population, employment, and land use for the next 20 years.
- Disaggregate basin data by segments.
- Assemble existing water quality models.
- Refine waste load allocations.
- Model existing discharges and stream segments.
- Analyze results of revised waste load allocations.
- Document allocations and compliance schedules.

The Board, as a member of the Areawide Planning Advisory Committee, will participate in the policy sessions to determine the priority of major control alternatives.

III.

WORK PLAN CONTENTS (Continued)

D. Compatibility with other Plans

Several environmental planning efforts at the State, local and Federal level should be considered in the work plan to assure compatibility of the Section 208 areawide plan with related environmental plans.

- River Basin Plans

303(e) basin plans constitute the overall framework within which 208 plans are developed for specific portions of a basin with complex pollution control problems. Basin plans: 1) provide water quality standards and goals; 2) define critical water quality conditions; 3) provide waste load constraints; and 4) may help delineate 208 area boundaries. The 208 plans must be consistent with Phase I basin plans, and will constitute an integral part of these basin plans.

- Facilities Plans

Facilities planning under Section 201 of the Act consists of those necessary plans and studies related to the construction of publicly owned treatment works. A facilities plan is an integral part of the construction grants program and is a prerequisite to the award of grant assistance for the detailed design and construction of specific facilities. Prior to the development of interim Section 208 areawide plan outputs, on-going and new facilities plans should be closely coordinated with areawide planning. After the completion of the Section 208 areawide plan, facilities plans will be carried out by the designated management agency.

- Solid Waste Management Plans

State plans for solid waste management should be examined for recommended organizational and technological solutions pertaining to the area. Local agencies having primary responsibility for regulating and implementing SWM controls should be identified and appropriate measures taken to cooperate in the development of compatible plans.

- Air Quality Plans

During the 208 planning process, planners should acquire a general familiarity with the requirements of State Implementation Plans (SIP) in the Air Quality Region in which the 208 area is located. Planners should coordinate their activities with the air quality plans and the implementation process.

Compatibility with Other Environmental Plans

Basin Plans

The State Water Quality Control Division is preparing Section 303(e) plan for the South River Basin. The Regional Council of Governments has recently completed a Water Quality Management Plan under Section 3(c) of the Federal Water Pollution Act, as amended in 1965, which includes the urban area of the five counties.

A wasteload allocation study was also recently completed by RCOG, in this case for the entire five-county area. Extending the 3(c) plan to the balance of the mountains and plains area of the five counties is now underway. The 3(c) plan, with the wasteload allocation study and the current mountains, is basically consistent with the State's 303(e) requirements, and is, therefore, basically consistent with the State's 303(e) South River basin plan now being done. The Section 208 planning program will augment and improve the Section 3(c) Water Quality Management Plan.

The basis for coordinating Section 208 and 303(e) plans is, therefore, already established, and the working relationships between RCOG and the State Water Quality Control Division will be maintained.

Air Quality Planning

A State Implementation Plan has been completed for a region that includes the 208 area. The projections used in this plan will be compared to the land-use segments of the 208 plan to establish consistent estimates of population and industrial growth. An assessment will be made of control strategies in the 208 plan to insure their compatibility with air quality objectives. Representatives of the State Air Quality Board will meet with the Areawide Advisory Committee.

Solid Waste Management

The effects of sludge disposal for alternative facility plans in the 208 area will be coordinated with the County Sanitation Commission which has overall solid waste management responsibility. In addition, their land-use planning inputs will be factored into the 208 plan for a consistent use of growth patterns.

Facilities Plans

There are no existing facilities plans or on-going facility planning efforts. A facility planning start scheduled for FY 76 for the Wood Valley area will be initiated in close coordination with early outputs of the areawide plan.

E. Public Participation

A program for public involvement should be formulated as soon after designation of the 208 agency as possible. The program, an integral part of the planning process, should outline the specific means for public participation at each step in the process, including development and modification of the work. The planning process should be designed so that progression from one stage to another cannot take place without a well-defined feedback from the public.

- The program should be an active one. Since the optimum degree of public involvement will usually not occur spontaneously, simply providing information to those who ask for it is not adequate. An active program is needed to seek out those who can provide useful inputs, as well as those who will be affected by the plan (e.g., League of Women Voters, Chamber of Commerce, conservation groups).

- The program should include adequate provision for disseminating information to the public. One of the greatest inhibitors to active public involvement in planning programs is the lack of readily available information. To preclude this happening in 208 public participation programs, all data and information available to planners must be easily accessible to the public. Depositories of documents and data should be clearly identified to the public. Assistance should be provided in locating specific documents or data retained in the depository; reproduction equipment should be available for use at a moderate cost. Mailing lists and publications should also be used if appropriate.

- The program should be allocated adequate time and funding within the overall planning effort. Planning and operating an effective program will probably require the full-time efforts of one, and perhaps more, persons. Costs of the program should be included in the planning budget.

- The planning agency should designate and identify to the public the person or persons directly responsible for the public involvement program.

- The program should be responsive to all interested citizens. Participation in 208 planning should not be dominated by any one interest group or individual. This can best be done by including without exception in mailings, notifications, etc., all parties who express interest in the project or who have been involved in community issues related to water quality planning and management. Another arrangement would feature a fully funded citizen's advisory group acting in partnership with the planning and management agencies.

The work plan schedule should structure public involvement around key stages in the planning process, such as establishment of goals, design of alternatives, impact assessment, acceptance of final plan, plan revision, etc.

Public Participation Summary

- Information Material

Periodic press releases will be made during the Section 208 planning program.

Public meetings on the plan and its progress will be held. Notification of said meetings will be published in the local newspaper three times, on days the agency is advised that readership would be best. Thirty days notice will be given before the hearing is held.

Summaries of the plan and program reports will be made available to the public and media.

- Assistance to the Public

Upon request, the designated agency will provide, insofar as possible, any group or individual with information and technical material.

- Consultation

Each affected jurisdiction will be contacted and given copies of the resolutions. A Citizen's Advisory Committee will be established, composed of representatives of affected agencies, and will be enlarged on commencement of the planning program. During the project, it is expected that the Committee will meet at least bimonthly to review progress and to provide feedback to the planning process.

- Notification

A list of interested and affected people and agencies will be maintained in the offices of the designated agency. This list will be used to send out information, etc., on the project.

- Access to Information

Copies of all pertinent data and water quality material are being and will continue to be kept on file with the designated agency. Reasonable cost reproduction is already available.

- Enforcement

Should any citizen wish to make suggestions or report violation of water quality management regulations, they will be welcome. The item will be reviewed by the staff of the designated agency and its consultant. If imminent danger to life and limb exists, the appropriate regulatory body will be notified. The suggestion or report will be placed on the agenda for the next regular Citizen's Advisory Committee meeting. If necessary, a report will be made to the governing board of the RCOG, but in any event, disposition of the item will be reported to the individual or agency involved.

- Rule Making

Prior to the adoption of any rule or regulations, a public meeting will be held (more than one if deemed necessary) and the proposal will be made available to the public.

- Public Information Assistance

To ensure that the public and elected officials understand the plan and the planning process, a public educational consultant will be retained to assist in the preparation of releases, reports, programs, etc.

F. Detailed Schedule

The planning process is discussed in great detail in Chapter 3 of the "Draft Guidelines for Areawide Waste Treatment Management Planning." Included in this discussion is a suggested flow chart of the major activities to be undertaken during the planning period. Based on this flow chart, the work plan should show a systematic schedule of activities, each with its linkages to other activities, in-house or consultant resources, time frame for completion, and milestones.

The schedule should be set up to suit the needs and preferences of the planning area. It should follow the basic process, which includes:

- Identifying problems. The pollution problems should be identified in terms of their relative impact on water quality.
- Identifying constraints and priorities. Both technical and management constraints should be identified. Priorities for solving water quality problems should be established.
- Identifying possible solutions to problems. All reasonable regulatory and management control methods should be identified.
- Developing alternative plans. Alternative integrated technical and regulatory control methods for municipal and industrial wastes, stormwater control, nonpoint source control, and growth and development should be combined into areawide plans. Comparable alternative options for the management of these plans should also be identified.
- Analyzing alternative plans. The alternatives should be evaluated in terms of cost-effectiveness, maintaining environmental, social, and economic values, and assuring adequate management authority, financial capacity, and implementation feasibility.
- Selecting an areawide plan. The selection should be based upon systematic comparisons of the alternatives.
- Periodic updating of the plan. A specific procedure should be defined for monitoring plan effects and developing annual revisions to the plan.

These basic activities should be thought out in detail to permit an orderly planning schedule. This will require a break-down of activities into tasks. By assigning time and resource needs to each task, their schedule and interrelationships can be displayed diagrammatically. Several techniques are available for this, such as PERT, GANNT and CPM.

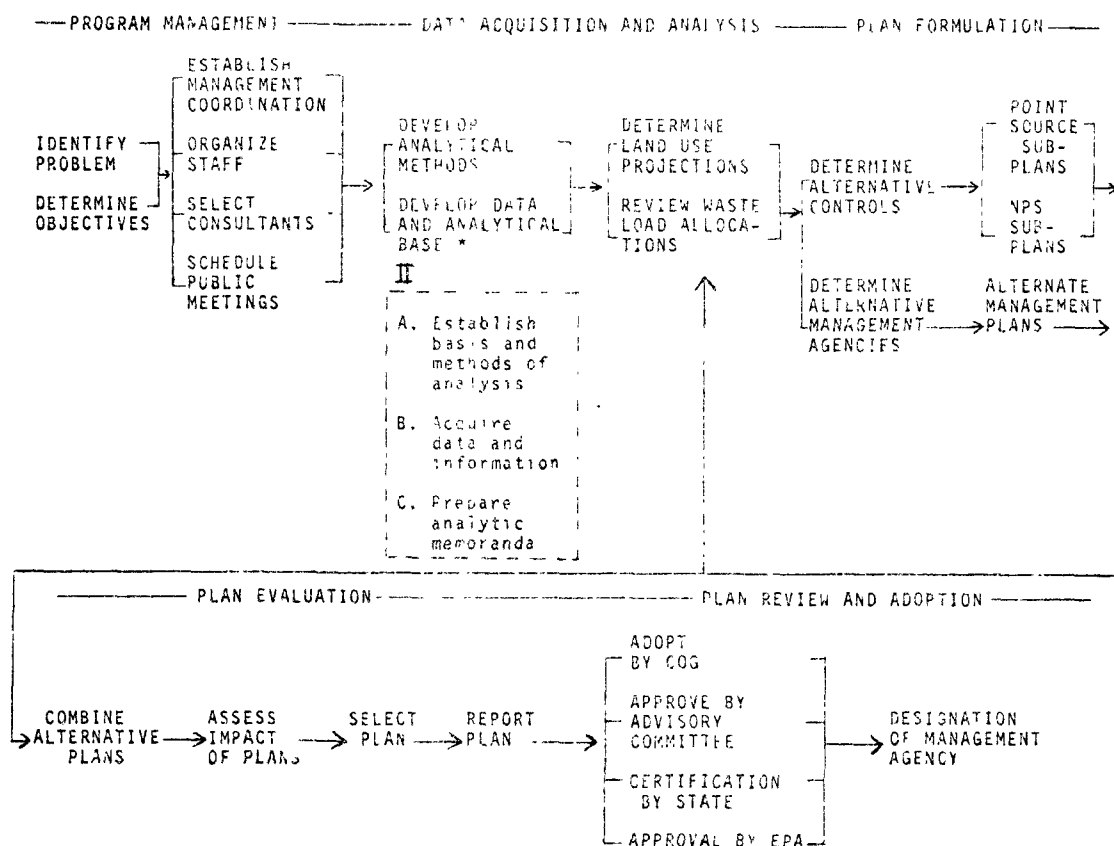
The tasks listed in the schedule should be related to the budgets (discussed in Section III.G and especially to the outputs of the planning process discussed in Section II.). The work plan is to be an output oriented process with activities leading towards products.

In the accompanying example, only a top level block diagram is shown. Also, only a portion of the task schedule is shown with one of the items expanded to include the task description. The level of detail in the diagrams or task descriptions should be worked out between the local planning agency and the EPA Regional office.

EXAMPLE

Detailed Schedule

The COG has developed a detailed CPM network for day-to-day management of the program. The following block diagram represents the major work elements under which there are many hundreds of tasks. The detailed CPM network is available for EPA review.



* Task Element Number II is expanded in more detail in the following example.

continued...

EXAMPLE

Detailed Schedule (Continued)

Accompanying the CPM network the COG has prepared a project work schedule by title of project task and by task description.

PROJECT WORK SCHEDULE

[illegible]

Legend

- - Reports to State, EPA, Advisory Committee
- o - Public Information Report
- ø - Public Meeting
- * - Program Review

Detailed Schedule (Continued)

For each of the items in the preceding project task list, the COG work plan contains a description of the activity.

II.B ACQUIRE DATA AND INFORMATION

B.1 Collect Population, Employment and Land Use Data

This information is available at scattered locations in the area. The COG maintains such files, but they will be supplemented by additional collection efforts through the County Sanitation District, State Department of Labor Statistics, and the four county planning organizations.

Manpower - 6 man months @ \$1,500/mm = \$9,000

B.2 Acquire NPDES Data

Information from the U.S. EPA and State discharge permits will be acquired early in the project, and at intervals thereafter, for data regarding present dischargers and actions required during the permit period.

Manpower - 3 man months @ \$1,500/mm = \$4,500

B.3 Acquire Water Quality Sampling Data

The proposed sampling program consists of determining the water quality runoff from each of the eight identified hydrologic watersheds within the planning area. The existing continuous water quality recorder operated by the State on mile 46.2 of the Green River will be supplemented by the planning agency with two more continuous recorders - one at the mouth of Sand Creek and the other at the mouth of Mud Creek. These three recorders will divide the planning area into approximately three equal areas and will provide diurnal and seasonal water quality data together with data over a range of hydrologic events throughout the two year planning period. In addition, grab samples will be taken periodically (an average of once a month) at 8 other locations within the planning area during the first year to determine more localized water quality information. The State University laboratories will be used to analyze the samples taken.

| | | |
|-----------|--|-----------------|
| Equipment | - 2 continuous recorders and operation | \$ 8,000 |
| | - lab tests - 100 samples @ 50/sample | 5,000 |
| Manpower | - 14 man months @ \$1,500/mm = | 21,000 |
| | Total | <u>\$34,000</u> |

III. WORK PLAN CONTENTS (Continued)

G. Resource Budget

The budget for the planning process should be itemized in accordance with the project tasks defined in the detailed schedule. For each task in the schedule estimates should be made of the types of skills and man-days necessary to complete the task. These estimates should then be converted into costs by tasks with appropriate personnel salary rates, fringe benefits, travel expenses, special equipment, materials, and supplies. Contracts or consulting services should be identified separately from local planning agency staff. The consulting services must also be related to specific tasks and products.

All cost information included in a grant application is subject to a cost analysis. Therefore, it should be specific and complete and in accordance with OMB form number 158 R0110. The EPA Regional offices have additional guidance and examples for the preparation of cost information.

The accompanying example represents the summary sheet of a work plan budget. Under each of the major headings a detailed itemization must be submitted in accordance with the tasks described in Section III.F. The detailed itemization should conform to the summary example in terms of the cost categories listed.

EXAMPLE

Resource Budget *

PROPOSED BUDGET BY WORK ELEMENT

| WORK ELEMENTS | SALARIES | FRINGE (13.5%) | TRAVEL | SUPPLIES & EQUIPMENT | CONTRACTUAL | OTHER DIRECT | TOTAL DIRECT | INDIRECT (30%) | TOTAL |
|---|----------|-------------------|--------|-------------------------|-------------|-----------------|-----------------|-------------------|--------|
| Program Management | | | | | | | | | |
| Data Acquisition & Analysis | | | | | | | | | |
| TB.1 Population, Employment & Land Use Data | 9,000 | 1,215 | 270 | -- | -- | -- | 10,485 | 3,146 | 13,631 |
| B.2 NPDES Data | 4,500 | 608 | 300 | -- | -- | -- | 5,408 | 1,622 | 7,030 |
| B.3 Water Quality Sampling Data | 9,000 | 1,215 | 950 | 13,000 | 12,000 | -- | 36,185 | 10,856 | 47,041 |
| Plan Formulation | | | | | | | | | |
| Plan Evaluation | | | | | | | | | |
| Plan Review & Adoption | | | | | | | | | |
| TOTAL | | | | | | | | | |

* A separate handbook is being prepared for financial planning and cost analysis.

III. WORK PLAN CONTENTS (Continued)

H. Disbursement and Milestones

In order to be effective, a work plan must have a target completion date as well as several interim milestones. These milestones can be used to evaluate program progress and, where necessary, to make the changes to the work plan. The milestones should also be related to the disbursement schedule to insure the responsible expenditure of Federal funds.

The disbursement from the planning agency to the local staff, contractors, consultants, and other agencies should track the progress being made on the schedule with the available funds. The work plan should indicate a quarterly progress report of plan accomplishments submitted to the EPA Regional Administrator.

The accompanying example shows the relationship between disbursements and progress. Each item in the milestone list should be related to a project task in the detailed project schedule. This type of information can provide the basis for a quarterly progress report.

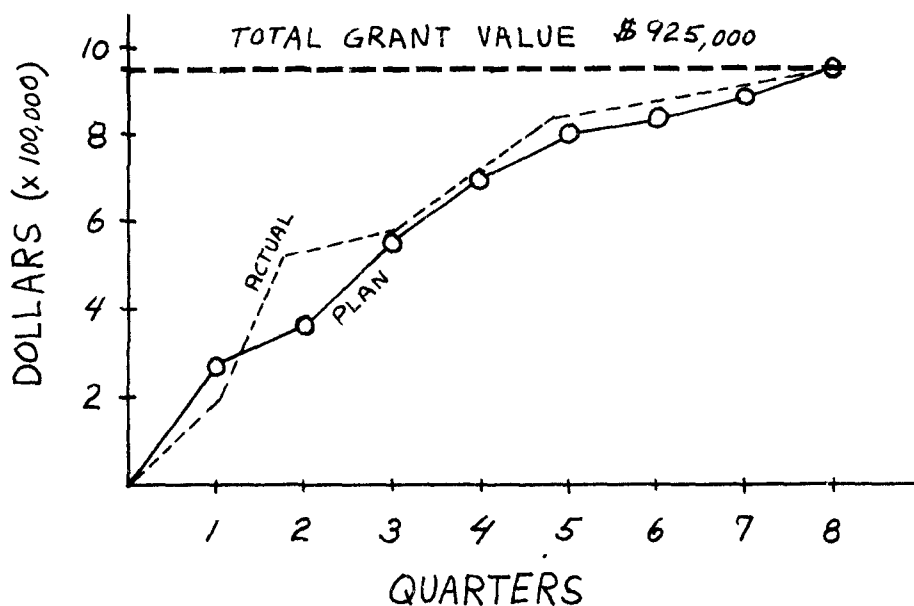
EXAMPLE

Disbursements and Milestones

Disbursements will be on a quarterly basis and related to the following milestones:

| <u>Quarter</u> | <u>Project Tasks</u> | <u>Milestone</u> |
|----------------|-------------------------------|--|
| 1. | I. A,B,C, II. A,B IV. A | Complete consultant selection and sub-contract work scope. Establish task force and management coordination Complete inventories for point sources and major non-point sources. Complete land use constraints. |
| 2. | II. C,D III. A,B | Complete alternative land use plans and evaluation process. Update waste load allocations. |
| 3. | V. A,B VI. A | Catalogue available technology and existing systems. Select management agencies. |
| 4. | V. C VI. B | Complete sub-plans. Complete technical and management plan alternatives. |
| 5. | VII. A | Complete alternative and evaluate plans. |
| 6. | VII. B,C VIII. A | Select and document final plan. |
| 7. | IX. A | Submit plan for State review. |

The cumulative disbursements during the planning period are shown below by quarter. A letter progress report will be submitted to the EPA Regional Administrator following each quarter referencing the milestones achieved (or slipped) and the actual versus the planned budget.



IV.

AREAWIDE PLANNING ADVISORY COMMITTEE

The work plan must provide for an Areawide Planning Advisory Committee to coordinate with the appropriate programs carried out by the participating members. This committee must include representatives of the State and public. It may also include representatives of the Department of Agriculture, Department of Interior, and other Federal or local agencies that can contribute to the areawide planning process.

This committee may already be in existence, or it may be necessary to reconstitute an existing committee to include the appropriate representatives.

As shown in the accompanying example, the statement concerning this committee in the work plan includes:

- the name of the committee
- the composition of the committee with the name of member agencies
- the anticipated frequency of meetings or schedules of meetings related to key milestones in the planning process
- the function of the committee
- the organizational location of the committee with respect to the planning agency.

EXAMPLE

Areawide Planning Advisory Committee

An Areawide Planning Advisory Committee has been created in conformance with the 208 program requirements. As stated in these requirements, the public and Federal and State agencies must also be given the opportunity to participate; thus, the following agencies have agreed to become actively involved in the planning process through the Advisory Committee:

Federal: U.S. Department of Agriculture-Soil Conservation Service
U.S. Army- Corps of Engineers
U.S. Department of Interior-Bureau of Outdoor Recreation-
National Park Service

State: State Water Control Board
State Health Department

Local: Division of State Planning & Community Affairs
Regional Planning Agency
County Sanitation Department

Public: Metro League of Women Voters
Chamber of Commerce

The functions of the Committee include: approving public coordination and information programs, providing overall policy decision making inputs, assisting in identifying major problem areas and primary alternatives, reviewing alternative recommendations and projections, advising on data acquisition programs, reviewing major milestones, and reviewing inputs from related programs (e.g., land use plans).

The Committee will report directly to the Director of the 208 Regional Planning Agency. It will meet monthly during the first year of the planning period to review initial policy alternatives and control strategies. Thereafter, the Committee will meet quarterly. The quarterly meetings will coincide with the progress reports submitted to EPA and will provide the Committee with planning progress for their review.

V. FINANCIALLY SELF-SUSTAINING PLANNING PROCESS

The 208 program requirements call for a statement to be included in the work plan which indicates that the continuing planning process, after the initial preparation and approval of an areawide plan, will be financially self-sustaining. The work plan should indicate the mechanisms to achieve this goal.

The approved plan must be reviewed and updated annually. If substantial revisions result, the entire planning report should be reviewed accordingly. Relatively minor revisions resulting from such an update can be documented in an addendum to the initial report. The continuing planning may be performed by a planning staff attached to the designated management agency or by the designated planning agency in coordination with the management agency. The applicable organizational structure must be documented in the final plan along with the financial arrangements to pay for the continuing planning process.

Some of the financial mechanisms to be considered are:

- funding contributions of member agency or government units
- general revenue funds allocated to planning and related activities
- user charges for waste treatment facilities
- general obligation bonds

A brief discussion of the funding mechanisms to be considered, as shown in the accompanying example, should emphasize the intent of the planning agency to accomplish a financially self-sustaining planning effort. This discussion should also relate the funding to the agency that will be conducting the continuing planning in concert with the management agency.

EXAMPLE

Continuing Planning

In support of the continuing areawide planning by the COG, both of the Planning District Commissions in the 208 area pursue programs of comprehensive planning for their respective sub-regions, under the authority of the State Area Development Act. This Act requires the maintenance of continuing process by each Commission established under the Act. The funds for this planning effort are established by charter agreement among the participating units of local government in each sub-region. The Sanitation District also carries out a number of elements of the continuing planning program, particularly in the areas of water quality monitoring to supplement State data, special problem studies, and on-going facilities planning and design. The funds for operation of these functions come from the normal user revenues generated by the District services.

The COG budget is also supported by grants from State and Federal agencies, but approximately 50% of the budget is provided by local member contributions. This local contribution can be used to fund continuing planning process. During the preparation of the plan, a number of management alternatives will be examined. The chosen management scheme will address the question of continued funding of the planning process (e.g., industrial user charges).

The annual update of the plan will be performed by the COG in conjunction with the selected management agency or agencies. The effectiveness of the update will depend on the evaluation and monitoring tools developed as part of the plan. Changes in land use and socio-economic parameters, together with appropriate water quality and facility variables, will be used in the update and a public hearing will be held prior to adoption of the updated plan.

The COG recognizes the need for and financial requirements of the basic elements of a continuing planning process and pledges to cooperatively pursue the establishment of such processes for the 208 program.

STATE CERTIFICATION

The State certification is intended to assure EPA that the work plan has been coordinated between the designated local planning agency and the chief officials of the State reviewing agency designated by the Governor of the State. The coordination assured by the certification is to cover: all State requirements that may be applicable to the activities recommended in the work plan, including relationship with the State river basin plans and other State water resource and water quality requirements. The certification should acknowledge:

- The technical and procedural adequacy of the work plan to accomplish the objectives of the 208 areawide planning. The determination of adequacy should evaluate if the work plan includes such things as sufficient technical staff, awareness of major problems, sufficient public participation, and consideration of alternative solutions.
- The assurance that the work plan activities do not duplicate past or existing water quality management activities, including facilities planning activities.
- The actual State recommendation that the work plan should be approved by EPA.

Although only the positive aspects of the State certification have been listed, the certification may also call for any disapproval and statements suggesting that a State does not recommend the work plan for approval by EPA. These statements should be accompanied by reasons for the disapproval.

The State response should be a brief statement similar to the accompanying example. This statement is the acknowledgment of the State review and its summary findings as to approval or disapproval of the work plan.

EXAMPLE

State Certification

Regional Administrator
U.S. Environmental Protection Agency, Region III
Curtis Building
6th & Walnut Streets
Philadelphia, Pennsylvania 19106

Dear Sir:

I have reviewed the Warden County application for a grant under Section 208 of the Federal Water Pollution Control Act, and find:

- (i) that the proposed work complies with all State requirements, including the applicable 303(e) plan prepared under 40 CFR Part 131;
- (ii) that the proposed planning work program is adequate and necessary to accomplish the development of a plan under Section 208;
- (iii) that, insofar as is known, the planning will not duplicate any work which has been done or is being done to meet the facilities planning requirements of Sections 35.917-35.917-9 of 40 CFR, Part 35.
- (iv) that the State certifies that the work plan should be approved by EPA.

Sincerely yours,



R. Smith, Director
Environmental Control
State of Delaware
Dover, Delaware

VII. OMB CIRCULAR A-95 REQUIREMENTS

OMB Circular A-95 establishes rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to State and localities. A network of State and areawide planning and development clearinghouses has been established to aid in the coordination of this review.

Part I of this Circular refers to the notification and review system. Review of the work plan by the clearinghouse establishes early contact in the local 208 planning process between the designated planning agency and other governmental units in the furtherance of intergovernmental coordination and review of the areawide 208 plans.

The local planning agency must notify the State and areawide planning and development clearinghouse in the jurisdiction of the planning area of its intent to apply for planning assistance. The work plan should satisfy the summary information required in the notification including: geographic location, description of work, environmental considerations, title of Federal program providing assistance, and the date of formal application.

Part IV of this Circular refers to coordination of planning in multijurisdictional areas. The objectives of this part include the encouragement of effective use of resources, minimizing inconsistencies, and eliminating duplication in local planning activities. This coordination can be helpful in precluding the funding of other projects that may conflict with the 208 areawide plan.

The planning agency response to this requirement, as shown in the accompanying example, is a statement from the A-95 Clearinghouse Agency(s) acknowledging review of the work plan and recommending its approval by EPA.

If the 208 planning agency is also the regional A-95 clearinghouse, then only state A-95 clearinghouse review is necessary.

EXAMPLE

OBM Circular A-95 Requirements

TO: Mr. John Green, Regional Administrator
Environmental Protection Agency

FROM: Harbor Area Council of Governments

SUBJECT: A-95 Review Comments
Section 208 Water Quality Management
Grant Application

The Harbor Area Council of Governments has reviewed the above noted application and finds it consistent with regional plans. HACG wishes to submit favorable review comments on this proposal and recommends its favorable and expeditious review by the EPA as a matter of high regional concern.

Prior to the June 12 meeting, at which the project was reviewed, conferences were held, or written and verbal communications were had, with the following staff personnel:

| | |
|--------------------------------------|--|
| City of Collingswood | Planning Director Waste Water Division Director of Public Works City Manager's Office |
| Tuller County | Planning Director Administrative Assistant Hydrologist |
| City and County Health Department | Director of Environmental Health |
| Town of Woodland Park | Town Manager |
| Teller County | Administrative Assistant |
| City of Fountain | Town Clerk |
| City of Manitou Springs | City Manager |

From these conferences and communications no adverse comments were received, either verbally or in writing.

federal register

MONDAY, MAY 13, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 93

PART IV



ENVIRONMENTAL PROTECTION AGENCY

■

AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING AGENCIES

Interim Grant Regulations

Title 40—Protection of Environment
CHAPTER 1—ENVIRONMENTAL
PROTECTION AGENCY

PART 35—STATE AND LOCAL
ASSISTANCE

Subpart F—Grants to Designated Areawide
Waste Treatment Management Planning
Agencies; Grant Applications; Grants;
Plan Content and Approval

INTERIM REGULATIONS

The following regulations are promulgated as interim regulations by the Environmental Protection Agency. These regulations set forth the procedures for providing grants to approved designated planning agency(ies) for the development and operation of a continuing planning process intrinsic to the development of an approvable areawide waste treatment management plan and provide criteria for the designation of management agencies to carry out the plan. The regulations also specify the supporting data needed in a grant application as well as to the content and output of the areawide plan to be developed. Due to the fact that area and agency designations are in the process of being approved and grant applications from the approved designated agencies are imminent, these regulations are hereby adopted as interim. Interested parties and government agencies are encouraged to submit written comments, suggestions or objections to the Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460. All comments, suggestions or objections received on or before June 27, 1974 will be considered.

The purpose of section 208 of the Federal Water Pollution Control Act Amendments of 1972 (the Act) is to encourage and facilitate the development and implementation of areawide waste treatment management plans at the local level in designated areas, and by the State outside such areas. Regulations for area and agency designations (40 CFR Part 126) were promulgated on September 14, 1973, in accordance with section 208(a) of the Act.

Section 208 establishes a mechanism for intensive water quality/waste control planning and management. Through the Federal assistance provisions, funds are provided to assist local areas in addressing in a sophisticated manner difficult urban/industrial and nonpoint source water quality problems that cannot be solved through the application of statutory base level effluent limitations.

Under the interim regulations and in accordance with sections 208(f) (1) of the Act, funds will be provided to designated local planning agencies for a period of up to 24 months to develop an initial plan for a designated area with concurrent further development of the planning process. For obligations made during FY 1974 and FY 1975, the Federal share shall be 100 percent of the eligible costs of the project.

Planning grants under section 208 of the Act will not be awarded to States

for 208 planning in nondesignated areas. Funds provided under section 106 of the Act, however, may be used for this purpose.

The regulations also provide for the involvement of the States in the grant application process and in the development and review of the 208 plan. It was felt that to have a useful areawide waste treatment management plan, the local planning effort should be closely coordinated with the overall State planning effort.

In addition, the interim regulations require that the planning agency make provisions for an Areawide Planning Advisory Committee which must include representatives of the State and public and may include representatives of the U.S. Departments of Agriculture, Army and the Interior and such other Federal and local agencies as may be appropriate.

With respect to the facilities planning conducted during the development of an areawide waste treatment management plan, the regulations provide that generally such planning for construction anticipated within the five year period following approval of the plan must be accomplished within the scope of the 208 planning process and within the scope of the 208 grant assistance provided that detailed engineering shall be required only to the extent deemed necessary by the EPA Regional Administrator. However, where facilities planning has been initiated and is substantially underway at the time of award of a 208 grant, such planning may be continued and incorporated in the areawide waste treatment management planning process and plan. Where the Regional Administrator determines that Step 1 construction grant assistance should be utilized for facilities planning activities during the 208 planning process he may award Step 1 grant assistance for such facilities planning, provided that such planning does not duplicate any work funded by the 208 grant. The designated planning agency must be afforded opportunity to comment prior to award of any Step 2 or Step 3 construction grant assistance within the designated 208 area during the 208 planning process. Upon approval of the 208 plan, no construction grant assistance may be awarded within the 208 area until the project has been brought into conformity with such plan.

Effective date: May 13, 1974.

JOHN QUARLES,
Acting Administrator.

MAY 7, 1974.

Subpart F—Grants to Designated Areawide Waste
Treatment Management Planning Agencies;
Grant Applications; Grants; Plan Content and
Approval

| Sec. | Purpose. |
|-----------|---------------------------------------|
| 35.1050 | Authority. |
| 35.1051 | Allocation and allotments. |
| 35.1052 | Eligibility. |
| 35.1053 | Applications. |
| 35.1054 | Preapplication requirements. |
| 35.1054-1 | Application requirements. |
| 35.1054-2 | Revision or amendment of application. |
| 35.1055 | |

| | |
|-----------|--|
| Sec. | |
| 35.1056 | Review, certification and approval of grant application. |
| 35.1056-1 | State review and certification of applications from areas designated by the governor(s). |
| 35.1056-2 | State comments on applications from areas designated by local officials. |
| 35.1056-3 | EPA review and approval. |
| 35.1057 | Amount of grant. |
| 35.1058 | Period of grant. |
| 35.1059 | Payments. |
| 35.1059-1 | Establishment of initial fund. |
| 35.1059-2 | Request for replenishment of funds. |
| 35.1059-3 | Federal retention of grant funds. |
| 35.1060 | Reports. |
| 35.1061 | Suspension and termination of grant. |
| 35.1062 | Allowable costs. |
| 35.1063 | Submission of the plan. |
| 35.1063-1 | Plans for intrastate areas. |
| 35.1063-2 | Plans for interstate areas. |
| 35.1064 | Areawide waste treatment management Planning: Content and outputs. |
| 35.1064-1 | Content of areawide waste treatment management plan. |
| 35.1064-2 | Revisions of plans. |
| 35.1065 | Authority of States for non-point source planning in designated areas. |
| 35.1066 | Designation of management agencies. |
| 35.1066-1 | Intrastate planning areas. |
| 35.1066-2 | Interstate planning areas. |
| 35.1067 | EPA review of plan and designation of management agencies. |
| 35.1067-1 | Submittal of certified plan and designation of proposed management agency(ies). |
| 35.1067-2 | Dual approval required. |
| 35.1067-3 | Review and approval of plan. |
| 35.1067-4 | Review and approval of waste treatment management agencies. |
| 35.1068 | Disputes. |
| 35.1070 | Annual update of plan [Reserved]. |
| 35.1080 | Grants for update of plan [Reserved]. |

AUTHORITY: Sec. 208, Federal Water Pollution Control Act Amendments of 1972.

Subpart F—Grants to Designated Areawide
Waste Treatment Management Planning
Agencies; Grant Applications; Grants;
Plan Content and Approval

§ 35.1050 Purpose.

The purpose of section 208 of the Federal Water Pollution Control Act Amendments of 1972 is to encourage and facilitate the development and implementation of areawide waste treatment management plans at the local level. This subpart supplements the EPA general grant regulations and procedures (Part 30 of this chapter) and establishes and codifies policies and procedures for grants to an approved planning agency, upon approval of applications, for the development and operation of a continuing planning process required for the development of an approvable areawide waste treatment management plan.

§ 35.1051 Authority.

These provisions for grants to support the development and operation of an areawide waste treatment management planning process are issued under section

208 of the Federal Water Pollution Control Act Amendments of 1972.

§ 35.1052 Allocations and allotments.

(a) Upon approval of a planning area and agency designation pursuant to Part 126 of this chapter, there will be reserved, for subsequent issuance to the Regional Administrator, an amount of contract authority estimated to cover the reasonable cost of the continuing planning process for a designated area.

(b) Upon completion of review and negotiation of a grant application for the continuing planning process for a designated area, and at such time as the Regional Administrator is prepared to make a grant award, the Regional Administrator shall request an Advice of Allowance authorizing the obligation of contract authority to cover the amount of the negotiated grant agreement. In no case will a grant agreement be executed before an Advice of Allowance is issued.

§ 35.1053 Eligibility.

An applicant agency must be the agency designated by the Governor or appropriate local officials in conformance with §§ 126.11 or 126.16 of this chapter and approved by the Administrator as the official areawide waste treatment management planning agency for the area and must agree to develop a plan and a continuing planning process meeting the requirements of this subpart for the entire designated area.

§ 35.1054 Applications.

§ 35.1054-1 Preapplication Requirements.

Any agency applying for an areawide waste treatment management planning grant shall:

(a) Comply with all applicable requirements of Office of Management and Budget (OMB) Circular No. A-95.

(b) In the case of an area designated by the Governor(s), the application and supporting data shall be submitted to the State agency(ies) designated by the Governor(s) as having review jurisdiction over the planning area. In addition, in such cases in interstate planning areas, the applicant shall submit the application to the Governor of the State wherein the greatest portion of the population within the planning area resides.

(c) In the case of an area designated by the chief elected officials, the application shall be submitted directly to the appropriate Regional Administrator of EPA and the appropriate Governor(s) shall be notified of the submission.

§ 35.1054-2 Application Requirement.

Applications to EPA shall be made in triplicate on such forms as the Administrator may prescribe and shall include the following substantiating data:

(a) In the case of an area designated by the Governor(s), a statement of certification or refusal of certification submitted by the chief official(s) of the reviewing agency(ies) designated by the Governor(s) of the State(s) wherein the

area is located. Each certification, or refusal thereof, shall include a statement that the State has reviewed the application and finds: (1) That the proposed work complies or does not comply with all State requirements, including any applicable 303(e) plan(s) prepared under 40 CFR Part 131; (2) that the proposed planning work program is or is not adequate and necessary to accomplish the development of a plan under Section 208; (3) that, insofar as is known, the planning will or will not duplicate any work which has been done or is being done to meet the facilities planning requirements of §§ 35.917-35.917-9; and (4) that the State either certifies or does not certify that the grant application should be approved by EPA.

(b) Evidence that all requirements of OMB Circular No. A-95 have been met.

(c) A statement by the applicant that the proposed activity is consistent with and will be in coordination with other environmental plans (which include land use plans) and has been coordinated with related planning and development that is being done under other Federal assistance programs and any State and local programs which affect the designated area.

(d) A statement by the applicant that provisions have been, or will be, made for an Areawide Planning Advisory Committee which must include representatives of the State and public and may include representatives of the U.S. Departments of Agriculture, Army and the Interior and such other Federal and local agencies as may be appropriate in the opinion of EPA, the State(s) and the applicant agency.

(e) A statement by the applicant that the planning process will become financially self-sustaining and provide for annual update of the plan once the initial plan is developed and approved.

(f) A work plan which contains the following:

(1) Description of the objectives and scope of the waste treatment management planning process;

(2) Description of all work performed to date which will be used in the plan development;

(3) Description of the proposed planning process which will be utilized to (i) identify and evaluate feasible measures to control point and nonpoint pollution sources, which measures may take into account all source location and review measures necessary to meet State implementation plan requirements in the area, (ii) select an integrated areawide plan to control these sources, and (iii) establish an areawide management program (including financing) for plan implementation;

(4) Description of any necessary action in the planning to be taken by agencies other than the applicant and procedures to be used in coordination of such activities. (Documentation of the acceptance by the affected responsible agency of such required work or action shall be included and presented with the work plan.);

(5) Detailed schedule showing required interrelationships of work to be accomplished and anticipated dates of completion;

(6) Detailed cost and resource budget, including work to be done under contract or by interagency agreement;

(7) Proposed disbursement schedule with specific progress milestones related to disbursements;

(8) Description of how compatibility with applicable plans prepared or in preparation under sections 209 and 303 (e) will be attained; and

(9) Description of the procedures to be followed in assuring adequate public participation during the plan development, review and adoption in accordance with Part 105 of this chapter.

(g) A statement that the planning process will develop systems for prevention of degradation of surface and ground water quality in the area in accordance with the requirements of the Act and with the applicable Federal/State water quality standards.

§ 35.1055 Revision or amendment of application.

If, in the judgment of the applicant or the EPA Regional Administrator, substantial changes have occurred which warrant revision or amendment, the application shall be revised or amended and submitted for review in the same manner as specified for the original application.

§ 35.1056 Review, certification and approval of grant application.

§ 35.1056-1 State review and certification of applications from areas designated by the Governor(s).

(a) *Intrastate planning areas.* The State reviewing agency designated by the Governor shall, within 45 days after receipt of the application, review the application and either certify or refuse to certify the application and proposed work program as set forth in § 35.1054-2(a). Upon certification or refusal thereof, the reviewing agency will either, at the applicant's direction, return the application to the applicant for forwarding of two copies to the appropriate EPA Regional Administrator, together with all certifications, or forward two copies of the application and certifications or refusals thereof to the appropriate EPA Regional Administrator. If the application is not certified, the reviewing agency shall notify both the appropriate EPA Regional Administrator and the applicant as to the specific reasons for non-certification and specify the changes which are needed for State certification of the application.

(b) *Interstate planning areas.* The applicant shall submit its application to the reviewing agency designated by the Governor of the State wherein the greatest portion of the population resides. This reviewing agency shall, within 15 days of receipt of the application, forward copies of the application to the agency designated by the Governor(s) of each other State having jurisdiction within the planning area, and shall serve as coordinator for the bi- or multi-State re-

view. Each State shall review the application and within 45 days provide the State coordinating the review with its certification or refusal thereof as set forth in § 35.1054-2(a). The coordinating State shall within 15 days forward two copies of the application, supporting documents and all State certifications or refusals thereof to the applicant for forwarding to the appropriate EPA Regional Administrator. In the event that one or more States does not certify the application, each State refusing certification shall specify its reasons in writing and advise the applicant through the coordinating State, of the specific changes needed to gain its certification. The coordinating State, in turn, shall forward such notice(s) of non-certification to the applicant and the appropriate EPA Regional Administrator. At the request of all of the States involved and with the approval of the appropriate Regional Administrator(s), an existing, recognized, interstate agency may act in the coordinating role on behalf of those States.

§ 35.1056-2 State comments on applications from areas designated by local officials.

In all cases concerning applications in areas designated by locally elected officials, the State shall review and comment upon the application as provided for by OMB Circular A-95.

§ 35.1056-3 EPA review and approval.

(a) EPA shall not accept for review for the purpose of making a grant any incomplete application or an application unaccompanied by all State certifications or refusals thereof which have been submitted.

(b) The Regional Administrator shall review the application and supporting documentation to determine its compliance with the applicable requirements of the Act and this subpart, the suitability of the proposed programs to successfully meet the required outputs of section 208 of the Act and this subpart and the costs of the proposed program.

(c) Generally within 45 days after receiving the application the Regional Administrator shall:

(1) Award a grant to the applicant in the amount that he finds meets the requirements of § 35.1057.

(2) Notify the applicant that the grant application is deficient in one or more respects and specify in which ways the application must be modified to receive EPA approval. Copies of such notifications will be forwarded to all concerned States at the time the applicant is notified of EPA action.

§ 35.1057 Amount of grant.

For grants awarded during the fiscal years ending on June 30, 1974, and June 30, 1975, the rate of Federal assistance furnished to a grantee shall be 100 per centum of the EPA approved eligible and reasonable costs of developing or modifying an initial areawide waste treatment management plan meeting the requirements of this subpart and operating an approved planning process.

§ 35.1058 Period of grant.

Federal assistance shall be for a budget period beginning the date of execution of the grant agreement and ending the date which the plan is approved by the appropriate Regional Administrator or within 24 months, whichever period is less.

§ 35.1059 Payments.

§ 35.1059-1 Establishment of initial fund.

Payment will be made in advance to the grantee by the establishment and at least quarterly replenishment of a fund that shall be based on a negotiated amount set forth in the grant agreement and which should not exceed 10 percent of the grant amount, unless a larger initial percentage is necessary for the accomplishment of the grant objectives.

§ 35.1059-2 Request for replenishment of funds.

Requests for replenishment of funds shall be made by the grantee on such form as prescribed by the Administrator. Each request for replenishment of funds shall include a statement on the status of the project related to the approved milestones set forth in the grant application. If the project is behind schedule, the statement should identify the specific tasks that have been delayed and give the reasons for the delay.

§ 35.1059-3 Federal retention of grant funds.

In accordance with the provisions of § 30.602-1 of this chapter, an amount not to exceed 10 percent of the grant award amount may be withheld for noncompliance with a program objective, grant condition or reporting requirement.

§ 35.1060 Reports.

Within 30 days following the end of each 6 month period after the effective date of the grant, the grantee agency shall prepare and submit for review by EPA a semi-annual report of progress and expenditures as compared to the scheduling of approved milestones in the work plan. Lack of scheduled progress and other problems shall be fully explained.

§ 35.1061 Suspension and termination of grant.

In accordance with the provisions of §§ 30.902 and 30.903 of this Chapter, the Regional Administrator may suspend or terminate any grant awarded pursuant to this Subpart.

§ 35.1062 Allowable costs.

In general, eligible and ineligible costs shall be determined in accordance with § 30.701 of this Chapter and by demonstration that the type and degree of work is necessary for successful completion of the project, and that the costs are reasonable with respect to the product or service to be obtained. While costs incurred as a result of following an approved work program would generally be allowable, provided that they are not prohibited elsewhere by Federal, State or local law, regulations or rule, the costs

incurred by activity related to the following shall be ineligible:

(a) All costs incurred in development of a grant application for an areawide waste treatment management planning grant.

(b) All costs incurred in sewer evaluation surveys as required under § 35.927-2.

(c) All costs incurred in detailed sewer system mapping and surveys therefor.

(d) All costs related to sewage collection systems at less than the trunk line level.

(e) All costs related to obtaining or providing information for sewer systems other than the costs of determining the following items in sufficient detail to make informed judgments on the cost effectiveness of available alternatives: tributary or service areas, routes, sizes, capacities and flows, critical control elevations required to show ability to serve tributary areas, lengths, staging, major impediments to construction, and costs of construction and operation. Data concerning lift stations shall be limited to location, size, energy requirements and capital and operating costs. (Costs of gathering and analyzing information required for economic, environmental and social evaluations shall be eligible.)

(f) All costs related to obtaining or providing treatment works other than the costs of determining the following items in sufficient detail to make informed judgments on the cost effectiveness of available alternatives: Location, site plot plan which shows adequacy of the site including provision for expansion, process flow diagram, identification of unit process, type, number and size of major units, capacities and flows, anticipated effect of treatment, staging and capital and operating costs and energy requirements. (Costs of gathering and analyzing information required for economic, environmental and social evaluations shall be eligible.)

(g) All costs of special studies for the specific benefit of individual, industrial or commercial establishments.

(h) All costs of activities which are primarily of a research nature.

§ 35.1063 Submission of the plan.

§ 35.1063-1 Plans for intrastate areas.

No later than two years after the planning process is in operation, as evidenced by award of a grant, three copies of a plan and local governmental recommendations thereon, in accordance with § 35.1084-1, shall be submitted to the Regional Administrator through the State reviewing agency along with certification of approval by the Governor of the State wherein the area is located. The certification document shall include certification that the State has reviewed the plan and:

(a) Has found the plan to be in conformance with the provisions of the State basin plan(s) and the State Program prepared under section 106, and that the plan will be accepted as a detailed portion of the State plans when approved by EPA;

(b) Has found the plan to be internally consistent with the water quality control needs of the area;

(c) Has found the plan consistent with all State and local legislation, regulations or other requirements or plans regarding land use and protection of the environment;

(d) Has found that the plan provides adequate basis for selection and designation of management agencies to be designated under section 208(c) of the Act; and

(e) Has approved the plan. If disapproval is necessary, that is if no certification of approval can be issued by the Governor due to failure of the grantee to comply with one or more of these provisions, the Governor shall notify the Regional Administrator and the grantee in writing that the plan is deficient, and specify in which ways the plan must be modified to receive State certification of approval.

§ 35.1063-2 Plans for interstate areas.

No later than two years after the planning process is in operation, three copies of the plan and local governmental recommendations thereon and one additional copy of the plan and recommendations for each concerned State shall be submitted to the reviewing agency designated by the Governor of the State wherein the greatest portion of population within the planning area resides. That agency shall act as the coordinating agency and shall forward one copy of the plan to the reviewing agency designated by the Governor of each other State wherein a portion of the planning area is located. Each State shall review the plan and shall, on behalf of that State, furnish the coordinating agency with certifications as set forth in § 35.1063-1. The coordinating State agency shall forward copies of each certification to the grantee agency and shall, at that time, forward two copies of the certifications and the plan and local governmental recommendations thereon to the appropriate EPA Regional Administrator. At the request of all the States involved, and with the approval of the Regional Administrators, an existing, recognized, interstate agency may act in the coordinating role on behalf of those States.

§ 35.1064 Areawide waste treatment management planning: Content and outputs.

The purpose of areawide planning activities is the development of a coordinated, viable, management system capable of organizing, directing, implementing and maintaining an effective program of pollution abatement and preservation of existing high quality water in areas having substantial water quality control problems.

§ 35.1064-1 Content of areawide waste treatment management plan.

Each agency receiving assistance under a grant for areawide waste treatment management planning shall develop and submit to the Regional Ad-

ministrator an areawide waste treatment management plan consistent with this Subpart and the applicable requirements of §§ 35.917 to 35.917-9. The plan shall include:

(a) An identification of the anticipated municipal and industrial treatment works construction necessary to meet the requirements of Title II of the Act within the designated planning area over a twenty year period;

(b) Those portions of facilities planning in compliance with § 35.917-1(a) - (i) the costs of which are allowable under § 35.1062 for those facilities for which Step 2 or Step 3 grant assistance is expected to be awarded during the five-year period following the section 208 plan approval.

(c) The identification of required urban storm water runoff control systems;

(d) The establishment of construction priorities for treatment works for the five-year period following the year of plan approval and a proposed schedule of completion of major treatment works over the twenty-year period following submission of the plan;

(e) The establishment of a regulatory program to:

(1) Provide that waste treatment management shall be on an areawide basis and provide identification and evaluation of and control or treatment for all point and non-point sources of pollution, including in-place or accumulated pollution sources, as shall be required under guidelines published by the Administrator pursuant to sections 208 and 304(e) of the Act. (Special regulatory consideration, including land use controls, is required for sources further specified under paragraphs (g) through (i) of this section);

(2) Regulate the location, modification, and construction of any facilities within such area which may result in any discharge in such area including, as appropriate, regulation of any future increase in waste loads and sources; and

(3) Assure that any industrial or commercial wastes discharged into any publicly owned treatment works in such area must meet applicable pretreatment requirements established in the plan.

(f) The identification of those agencies necessary to (1) construct, operate, and maintain all facilities required by the plan, and (2) otherwise carry out the plan;

(g) A process to (1) identify, if appropriate, agriculturally and silviculturally related non-point sources of pollution, including runoff from manure disposal areas, and from land used for livestock and crop production, and (2) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

(h) A process to (1) identify, if appropriate, mine-related sources of pollution including new, current, and abandoned surface and underground mine runoff, and (2) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

(i) A process to (1) identify construction activity related sources of pollution, and (2) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

(j) A process to (1) identify, if appropriate, salt water intrusion into rivers, lakes and estuaries resulting from reduction of fresh water flow from any cause, including irrigation, obstruction, ground water extraction, and diversion, and (2) set forth procedures and methods to control such intrusion to the extent feasible where such procedures and methods are otherwise a part of the waste treatment management plan;

(k) A process to control the disposition of all residual waste generated in such area or imported into such area which could affect either surface or ground water quality;

(l) A process to control the disposal of pollutants on land or in subsurface excavations within such area to protect ground and surface water quality;

(m) The identification of all major alternative measures, including enforcement activities, financing, land use and other development controls and regulatory actions, administrative and management authorities and practices necessary to carry out each of the alternatives, and selection of the recommended system;

(n) The period of time necessary to carry out the plan and major alternatives, the costs of carrying out the plan and major alternatives within such time, and economic, social, and environmental impacts of carrying out the plan and major alternatives within such time;

(o) Certification of the consistency of the plan with plans prepared or in preparation under sections 209 and 803 of the Act. (Any 201 plan developed in the area or any application for a Step 1 grant for such plan received prior to the approval of the 208 plan shall require review and comments by the designated 208 agency which shall be transmitted to the State agency processing the Title II grant applications. After the section 208 plan has been approved, all 201 plans for the area that may previously have been developed shall be brought into conformance with the 208 plan.)

(p) Certification and description of public participation, in the planning process and adoption of the plan, in accordance with Part 105 of this Chapter; and

(q) Recommendations by governing bodies of local governments having responsibility for, or which would be directly affected by, implementation of the plan and having jurisdiction in the planning area as to State certification and EPA approval of the plan. In the event that a local unit of government fails to provide a recommendation within 30 days of receiving such a request from the planning agency, it shall be considered that the plan has been favorably recommended by that unit of local government.

§ 35.1064-2 Revisions of plans.

If, in the judgment of the Regional Administrator, State Governor(s) or applicant, substantial changes have occurred which warrant revision or amendment of the approved plan, the plan shall be revised or amended and submitted for review in the same manner specified in this Subpart for the original plan.

§ 35.1065 Authority of States for non-point source planning in designated areas.

Whenever the Governor of any State determines (and notifies the Regional Administrator) that consistency with a Statewide regulatory program under section 303 so requires, the requirements of § 35.1064-1(g) through (l) shall be developed and submitted by the Governor to the Regional Administrator for application to all regions within such State. All requirements of such State programs shall be incorporated into each affected areawide plan. The plan shall set forth such additional local actions and programs as may be necessary for implementation of the plan developed by the State.

§ 35.1066 Designation of management agencies.**§ 35.1066-1 Intrastate planning areas.**

The Governor of the State in consultation with the designated planning agency, affected local governments and following the public participation requirements set forth under Part 105 of this chapter, at the time the plan is submitted to the Administrator shall designate one or more waste treatment management agencies (which may be an existing or newly created local, regional or State agency or political subdivision) for the designated area. Such agency or agencies shall, individually or in aggregate, have adequate authority to meet the requirements to carry out the provisions of section 208(c)(2) of the Act.

§ 35.1066-2 Interstate planning areas.

The Governors of the States wherein the planning area is located shall either

mutually designate one or more waste treatment management agencies as set forth in § 35.1066-1 or shall, after agreement among the Governors and the appropriate EPA Regional Administrators, individually designate one or more waste treatment management agencies within each State pursuant to the requirements of § 35.1066-1.

§ 35.1067 EPA review of plan and designation of management agencies.**§ 35.1067-1 Submittal of certified plan and designation of proposed management agency(ies).**

The Regional Administrator shall not receive for the purpose of review and approval either proposed designations of management agency(ies) in the absence of a plan certified by the appropriate Governor(s) or a plan certified by the appropriate Governor(s) in the absence of proposed designations of management agency(ies).

§ 35.1067-2 Dual approval required.

The appropriate Regional Administrator shall neither approve a certified plan unless concurrently approving all designated management agencies, nor approve the designation of management agencies unless concurrently approving a certified plan.

§ 35.1067-3 Review and approval of plan.

The Regional Administrator's approval of the plan will be based upon the State(s) certification of approval and EPA's review of the submission for conformance with provisions of section 201 and 208 of the Act and the requirements of this Part and other applicable regulations. Within 120 days after receiving the submittal, the Regional Administrator shall:

(a) Notify the State(s) and the grantee of approval of the plan; or

(b) Notify the State(s) and the grantee that the submittal is deficient in one or more respects and specify the ways in which the submittal must be modified to receive EPA approval; or

(c) Notify the grantee and the State(s) that the designation of waste treatment management agencies cannot be approved, thereby delaying further consideration of the plan until such time as deficiencies in such designations are rectified.

§ 35.1067-4 Review and approval of waste treatment management agencies.

The Regional Administrator's approval will be based upon the requirements set forth in section 208(c)(2) of the Act. Within 120 days after receiving the submittal of the designations the Regional Administrator shall:

(a) Notify the Governor(s) and grantee of approval of the designations; or

(b) Notify the Governor(s) and grantee that the designation submittal is deficient in one or more respects and specify the ways in which the submittal must be modified to receive EPA approval; or

(c) Notify the Governor(s) and grantee that the plan cannot be approved until modified, thereby delaying further consideration of the designations until such time deficiencies in the plan are corrected.

§ 35.1068 Disputes.

Final determinations by the Regional Administrator concerning applicant ineligibility and final determinations by the Regional Administrator concerning disputes arising under a grant pursuant to this Subpart shall be final and conclusive unless appealed by the applicant or grantee within 30 days from the date of receipt of such final determination in accordance with the "Disputes" article of the General Grant Conditions (Article 7 of Appendix A to this Subchapter).

§ 35.1070 Annual Update of Plan. [Reserved]**§ 35.1080 Grants for Update of Plan. [Reserved]**

[FR Doc. 74-10977 Filed 5-10-74; 8:45 am]