

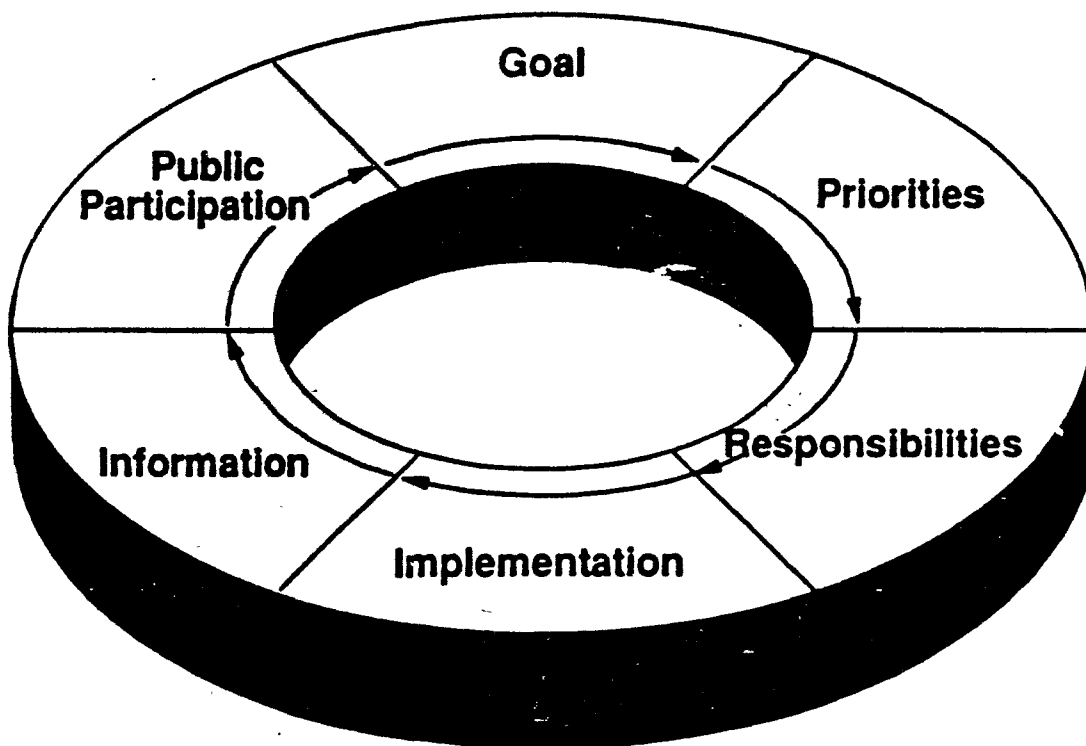


United States
Environmental Protection
Agency

Office Of
The Administrator
4601

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EPA's Commitments To Support Comprehensive State Ground Water Protection Programs



Appendix C

An Example of EPA Cross-Program Flexibility: South Dakota

Each EPA program will identify ways in which it can provide greater support to State priorities and policies in cases where the State's request for flexibility is anticipated to provide environmental results comparable to those expected from Federal priorities and policies, and has been developed on a basis of cross-program integration aimed at reducing gaps in environmental protection. To illustrate what it can mean for EPA programs to implement this approach, the following example (an approach EPA is supporting in South Dakota) is presented.

South Dakota's Department of Environmental and Natural Resources (DENR) has determined that many municipal solid waste landfills, which would not comply with the new RCRA Subtitle D regulations, are a priority concern for both ground water protection and non-point source pollution control. The DENR's solid waste, ground water, non-point source, and state revolving fund programs have worked together to help South Dakota's municipalities address this issue by closing these smaller landfills and using state revolving fund loans to build new, fewer, regional solid waste management facilities (much in the same spirit that such loans have been used in the past to build wastewater treatment plants). These regional facilities also incorporate a strong recycling program to reduce the volume of materials actually destined for disposal.

In order to support this effort, the Region V's solid waste, ground water, non-point source, and state revolving fund programs have also worked together with the State to determine how this approach can be structured to meet each program's requirements while still making the approach feasible for local communities. Currently, the State and the Region are working with their counterparts in EPA Headquarters to identify and eliminate any remaining barriers to this approach. Because this is an excellent example of how EPA can respond flexibly to a demonstration by a state of better coordination and better ground water protection, EPA is committed to taking the necessary steps to ensure that South Dakota can utilize this approach; these steps may include requesting supportive language as part of reauthorizing the Clean Water Act, if necessary. In addition, these steps may include a dialogue led by Headquarters, with input from Regions and states, to identify other types of activities that could legitimately be funded by state revolving funds.

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**EPA's Role in Furthering New Hampshire's
Comprehensive Groundwater Program**

(July, 1994)

The following are some preliminary ideas of what EPA's groundwater-related programs can do to assist New Hampshire in accomplishing the Five Year Work Plan developed under the Comprehensive State Ground water Protection Program.

1. Commit resources to the creation of a statewide GIS data layer of RCRA sites.
2. Maintain, and if possible, increase flexibility in targeting RCRA inspections in areas of high value ground water.
3. Approve the use of 319(h) and future eligible resources to identify and map wellhead protection areas and other areas of high value ground water. The State will soon pilot methodology to utilize its GIS system to define areas of stratified drift which should be protected for future water supply. A funding source will be required to complete digitization of the aquifer maps and to use the GIS to create town-wide maps which identify wellhead protection areas and the critical stratified drift areas.
4. Become educated about and consider the use of the State corrective action process at Federally managed contamination sites and commit to serious consideration of the issues raised by the position paper to be prepared by DES.
5. Based on the results of the local needs survey, participate in the development of an outreach plan. Participation could include focusing EPA technical assistance on identified local needs.
6. If the need arises in the discussions on ground water and surface water discharges, research issues concerning treatment credits for ground water discharges to infiltration beds.
7. Provide ground water quality data from federally managed contamination sites on an ongoing basis if it is needed to expand the State Well Network.
8. Promote the use of ground water-related Supplemental Environmental Projects (SEP) and have appropriate staff take part in CSGWPP subcommittee discussions.
9. Assist the State in collecting information on appropriate ground water protection design features for siting or expanding highways.

APPENDIX B

State Proposals for EPA Flexibility in Submitted Comprehensive State Ground Water Protection Programs

This appendix includes an example of a specific State's requests for EPA flexibility and assistance in support of its CSGWPP, as identified in the National CSGWPP Guidance. The example State is New Hampshire, which now has an EPA-endorsed CSGWPP. The requests and recommendations for flexibility and assistance provide the basis for negotiating the multi-year program plan.

- Expanding the scope of inspections and field surveys to include potential sources of ground water contamination;
 - Establishing mechanisms for interstate coordination of ground water protection; and
 - Sharing information between surface water and ground water programs
- Training. Headquarters would develop training for Regional and State NPDES program staff to explain potential impacts of BMPs on ground water resources, including design or operating alternatives which prevent or minimize ground water contamination and surface water contamination through ground water.
 - NPDES Priorities. Regional Offices would use and allow authorized NPDES States to consider, using EPA-endorsed CSGWPP ground water protection priorities and Statewide Basin Management/Watershed Protection priorities together to determine permitting priorities for NPDES facilities.
 - Enforcement and Prevention Opportunities. Regional Offices would use enforcement settlements that include support for ground water resource protection activities under a State's CSGWPP, such as support for community wellhead protection efforts in cases where contamination impacts drinking water supplies.
 - **D. Improve Cross-Program Targeting of Funds to Common Critical Needs**
 - One Grant Guidance. Each Headquarters Office and Regional Division (or Branch in cases where the Pesticides Program is located within an Air Quality Division) would integrate and streamline the grant guidances they issue, with the goal that by FY 1997, each Office would issue one grant guidance document to the Regions, and each Division will issue one grant guidance document to the States. This integration would go beyond simply compiling separate guidances from each program to developing priorities and activities that are supported across the programs and provide the criteria for future Performance Partnership grants.

C. Improve Coordination and Consistency in EPA's Ground Water-Related Programs

- State Ground Water Data Management. Each Region would provide technical assistance to States in developing comprehensive ground water protection databases. The Regions and the States would improve both the quality and quantity of ground water-related data base systems and promote the use of GIS systems in implementing CSGWPP. The goal of this effort will be to assure data base compatibility among agencies having ground water protection responsibilities. Jointly, the Regions and States would identify ground water data system improvements needed to develop, maintain or improve State-specific comprehensive ground water data base systems, and identify opportunities for improved coordination with surface water programs.
- Data Exchange. The Agency would support cross-program ground water data exchange to assist effective State and Regional program implementation. The ground water data bases would be coordinated using compatible formats. Programs will provide resources to gather site-specific hydrologic information. Environmental indicators will be used to target data needs and geographic areas for ground water protection activities under CSGWPP. All programs would require ground water data to be collected, stored, and reported using the Minimum Set of Data Elements (MSDE), including requirements in State grants. Programs would report communities, geographic areas, and aquifers under greatest stress from chemicals or contaminants regulated by them. The availability and use of the Global Positioning System (GPS) would be encouraged. Finally, EPA programs would coordinate assistance to States for ground water resource assessments with USGS.
- Partnership with Other Agencies. Headquarters and Regional staff from a number of programs would seek commitments from other agencies to assure consistency with each State's EPA endorsed CSGWPP. In partnership with the States, each Region would coordinate with other appropriate Federal, State, sub-state and local agencies to seek commitments to assure that the ground water-related activities of those agencies are consistent with the goals and objectives of EPA-endorsed CSGWPPs.
- Regional Program Support. Overall coordination among Regional programs would increase to support the implementation of a State's CSGWPP. These activities would include, but are not limited to, such efforts as:
 - Sharing information between programs on the location of vulnerable ground water areas and regulated activities in those areas;

APPENDIX A

Proposals for Future Evaluation

While these Proposals for Future Evaluation have not been fully evaluated for implementation, they are presented here for discussion and consideration. It is expected that additional proposals will be added to this list for evaluation over time.

- A. **Provide Greater State-led Community-based Decision Making** by giving States more flexibility to focus on critical ground water resources.
- Training. All ground water-related programs should develop training materials for Regional and State personnel that include elements on cross-program and ground water-surface water interrelationships.
 - Regulatory Actions Targeted in CSGWPP Identified Areas. EPA would assemble a cross-program team to develop methods and guidance for State and/or Regional permit, compliance, inspection and enforcement actions targeted on CSGWPP-identified priority ground water resources.
 - RCRA Corrective Action. In developing the Corrective Action Rule (Subpart S), EPA would continue to evaluate opportunities to provide flexibility in remedial decision-making based on State priorities identified in EPA-endorsed CSGWPPs.
- B. **Increase the Focus on Preventing Contamination**
- Community Prevention Projects. EPA should evaluate:
 - the authority to include best management practices (BMPs) in NPDES permits that are designed to help protect ground water from contamination; and
 - the use of Supplemental Environmental Projects in enforcement actions which may include pollution prevention and wellhead protection in cases where point sources (NPDES, RCRA C and D, and UST) may adversely impact drinking water supplies.

- Ground Water Stakeholders Meetings. EPA and State and local stakeholders held a series of meetings in September, 1994, to define measures of success for community wellhead protection programs and the measurement of specific environmental results for ground water protection. This effort will continue in FY 1995 and FY 1996. EPA also held a national conference for Ground Water Stakeholders in December, 1994, to bring together the community of people interested in promoting ground water protection to exchange information and approaches.

Supportive Actions To Be Implemented

- Outreach/Education and Local Action. EPA will develop outreach and educational approaches and materials that help improve public and permit writers' understanding of: (1) ground water resources, and their relation to other portions of the water environment; and (2) the benefits and advantages of taking a whole-basin (or "watershed" or "holistic") approach to environmental protection. The goal of these efforts will be to stimulate community interest in assuming a leadership responsibility for holistic environmental protection. Headquarters will primarily focus on building the outreach of national non-governmental organizations such as the League of Women Voters and the Groundwater Foundation. Regions will primarily focus on ways of reaching more audiences, and will work through and with States that are adopting the comprehensive approach to ground water protection. Outreach materials may be translated into Spanish or other relevant languages where appropriate and feasible based on local need and availability of funds.

IV. Future Actions for Evaluation by EPA Program Offices and States to Improve Comprehensive Ground Water Protection

EPA will continue to evaluate opportunities identified by States through CSGWPPs for future action to improve the ground water protection aspects of EPA programs. In the next year, the Ground Water Policy Committee will consider recommendations for such actions from the Cluster Workgroup which cannot be successfully executed at a Regional level. A list of Proposals for Future Evaluation are identified in Appendix A.

flexibility pilots begun in FY '95. These grants were intended to demonstrate maximum flexibility for cross-program activities under existing authorities, to allow States to allocate funds to respond to identified problems or places of highest priority or greatest vulnerability or risk, typically in or near communities and their drinking water supplies. These approaches could be determined by the respective State in its Comprehensive State Ground Water Protection Program, Statewide Basin Management/Watershed Protection Approach, or other comprehensive environmental programs, where statutorily allowable. The Agency is seeking authority to provide Performance Partnership grants to address State environmental priorities. Performance Partnership Grants are intended to improve the performance of EPA programs by allowing separate grant funds to be combined and, consequently, enabling States to better integrate and coordinate protection activities. It is the Agency's intention to make the first round of Performance Partnership grants in FY 1996.

- Grants Guidance and Coordinated Ground Water Activities. Based on the results of the pilot water and environmental multi-purpose grants, EPA programs will evaluate and, where possible, provide grants guidance beginning with the FY 1997 grants cycle that encourages the use of grant funds to support coordinated, cross-program activities to the extent allowable under existing statutes. These activities may include coordinated permitting, collaborative mapping, etc., and may address the full range of available funds, including Clean Water Act Sections 104(b)(3), 106, 205(j), 319(h), 518, 604(b); Safe Drinking Water Act, Sections 1442, 1443(a) and (b), 1451; Pollution Prevention Act; Federal Insecticide, Fungicide, and Rodenticide Act, Sections 20, 23; Comprehensive Environmental Response, Compensation and Liability Act, Sections 104, 311(c); Solid Waste Disposal Act, Sections 2007(f), 3011, 8001, 9003; Toxic Substances Control Act, Section 10; and National Education Act, Section 6. In addition, the guidance should encourage close coordination between surface water and ground water implementation activities funded from all sources.

E. Increased Activities to Build Support From Stakeholders

Supportive Actions Underway

- National Town Meeting. EPA worked with the League of Women Voters to hold a televised "National Town Meeting" on ground water protection in April 1993, in which 170 down-link sites participated from around the country. The meeting resulted in several communities initiating local prevention programs. Additional follow-up is planned with the League, and plans for a 1997 initiative are being developed.

- Regional Response for State Priorities. In meeting its own ground water protection responsibilities, the Region will take into account the States' ground water goals, priorities, cross-program integration needs, State-desired flexibilities and resource protection approaches addressed in the Core CSGWPP.
- UIC. For the UIC Program, EPA's Office of Ground Water and Drinking Water will stress in the Class V implementation guidance the need for Regions which implement the Class V program to coordinate with State-lead programs for underground storage tanks (UST) and RCRA, in order to deal effectively with industrial Class V wells.
- Comprehensive Ground Water/Watershed Guidance. Headquarters will issue guidance integrating the comprehensive approach for ground water protection with the Statewide Basin/Watershed Protection Approach, including the NPDES Watershed Approach, Comprehensive Nonpoint Source Control program, Wetlands Conservation Plans, and National Estuary Program.
- Inspection/Compliance/Enforcement Targeting. Where appropriate, EPA will assist States in promoting cross-program inspection/compliance/enforcement actions that are multi-media in approach. Included are such actions as facility inspections addressing several programs' requirements, whether conducted by EPA or States, as well as targeting activities in accord with State priority ground water resources.

D. Better Cross-Program Targeting of Funds to Common Critical Needs

Supportive Actions Underway

- RCRA Grants. The RCRA program encourages States to use the flexibility provided them in the RCRA Implementation Plan to account for State priorities in their use of program funds. States can use these funds to coordinate and implement the RCRA portion of their State ground water protection programs. In this way, States, for example, can use ground water classification as an input to target geographic initiatives for permitting or enforcement, to select cleanup options for corrective action, or to identify high resource-value ground water over which additional protective measures may be imposed. This is consistent with the strong mandate for ground water protection and clean up in RCRA and with OSWER's commitment to support states as the primary implementors of RCRA.

Supportive Actions To Be Implemented

- Multi-Program Grants. The Grants Administration Division, in consultation with the Program Offices and Regions I and VIII, will evaluate the results of grant

- Regional Cross-Program Actions. The Deputy Regional Administrator in each Region, working in consultation with the Assistant Administrators, will improve Regional cross-program coordination by evaluating how Regional ground water-related programs can consider the goals, priorities, cross-program needs, State-desired flexibilities and resource protection approach of each State's CSGWPP. This evaluation may be accomplished as part of the Region's process of endorsing State Core CSGWPPs, for example. Included in these evaluations will be a description of Regional mechanisms that allow/support/promote the consideration of CSGWPP in Regional ground water-related program activities. This description may appear as part of a Region's Ground Water Review. Regional staff who are responsible for program-specific activities in each State will meet regularly to develop State-specific Operating Plans that focus on holistic approaches, review State progress in various programs, and identify ways to help the State adopt a more holistic approach to environmental protection. This approach may vary by Region.

Specific Regional cross-program activities to support CSGWPP development and implementation in all ground water-related programs may include:

- Reviewing appropriate ground water-related State workplans;
 - Including CSGWPP elements in Regional ground water-related program/grants guidance to States, including Performance Partnership Grants, and in internal program workplans;
 - Evaluating the needs, opportunities and tools for cross-program sharing of information on the location of vulnerable ground water areas and regulated activities in those areas and communities;
 - Developing Regional approaches to identify methods for avoiding cross-media contamination;
 - Exploring mechanisms for interstate coordination of ground water protection;
 - Providing support for cross-program Regional/State public education and outreach activities to promote ground water protection;
 - Implementing the Agency's Locational Data Policy and the Minimum Set of Data Elements for Ground Water;
 - Exploring mechanisms for coordination with surface water program activities at the State and community level; and
 - Assisting the States technically and financially in using CSGWPP as the "seed" for developing watershed protection and management programs.
- Superfund Use of CSGWPP. OSWER will prepare a directive for Regional Remediation Programs concerning review of CSGWPPs and use of their results in remedial activities. The directive will also discuss the importance of remedial program involvement in the CSGWPP multi-year planning process.

Protection Programs that offer a foundation on which to build a PWSS monitoring waiver program. Delineations and contaminant source identifications carried out under community wellhead programs can provide information which is critical to ensuring that area-wide use and susceptibility waivers protect public health in public water systems. Where State or community wellhead programs include effective management of contamination sources, there is a significant potential to prevent or reduce contamination of the source waters. States and public water systems are encouraged to apply the flexibility provided in the national PWSS guidance for using wellhead protection program results in monitoring waiver applications and the benefits of conducting a consolidated contaminant source inventory.

- Regional Cross-Program Coordination. Each Region will continue to improve its cross-program ground water coordination in support and enhancement of States' CSGWPPs. Regional staff responsible for ground water-related activities should network (via state-specific, program-specific, intra-Divisional, and other mechanisms) and coordinate their activities on a regular basis. These activities will assist States in the development of their CSGWPPs and the Regions in the review/endorsement of State CSGWPP submittals.

Additionally, Regional program managers will increase their efforts to improve ground water coordination between the Regional and State ground water protection programs as well as among appropriate Federal, State, sub-state and community agencies that also have ground water protection responsibilities. Regions should also improve coordination between ground water and surface water programs, and work to ensure increased coordination of State and local governments.

- Pesticide SMP. Since Pesticide SMPs are developed under a framework similar to CSGWPPs, a State's implementation of its SMP can satisfy many of the Core CSGWPP criteria. SMPs and CSGWPPs might form the basis for Performance Partnership Grant requests.

Supportive Actions To Be Implemented

- Integrated Agency Response to State Flexibility Requests. All EPA ground water-related programs will work through the Ground Water Policy Committee and its Cluster Workgroup to ensure that any issues identified and flexibilities requested by States that are of national scope receive the benefit of an integrated EPA response.

B. Increased Prevention Focus

Supportive Actions To Be Implemented

- Underground Injection Control (UIC). For the UIC Program, EPA's Office of Ground Water and Drinking Water will stress in the Class V implementation guidance that grant funds should be targeted toward those activities that will address Class V wells or similar potential sources of contamination that pose the most significant threat to high valued, priority ground waters as identified in a CSGWPP, such as community wellhead/source water protection, karst, and/or other vulnerable areas.
- Research/Development/Demonstration Plan for Preventing Local Ground Water Contamination. ORD will develop a ground water research plan focused on prevention that will provide:
 - (1) research on technical issues affecting community prevention implementation;
 - (2) demonstrations of effective ground water protection in places representative of different hydrogeologic settings and different resource issues to serve as models for State and local officials to observe potential application in their own communities; and,
 - (3) technical assistance ranging from community consultation to preparation and distribution of case studies.
- Indicators of Prevention Progress. The Office of Ground Water and Drinking Water, in consultation with States, is developing indicators to measure progress in preventing ground water contamination and program success. These indicators will be used to report State water quality trends nationally, using available information, in the Clean Water Act Section 305(b) Report to Congress.

C. Improved Coordination and Consistency in Ground Water-Related Programs

Supportive Actions Underway

- CSGWPP Endorsement. All Regional ground water-related programs will participate in the review of State Core CSGWPPs. All Headquarters ground water programs will participate in the concurrence process for the first CSGWPP endorsement in each Region, so that they can understand the types of flexibilities the States are requesting.
- Public Water System Supervision (PWSS) Monitoring Waivers and Wellhead Protection. Thirty-nine States and Territories have approved Wellhead

- State Flexibility Requests in CSGWPP. Regional ground water-related programs will make every reasonable effort to accommodate flexibilities (e.g., joint funding for mutually supportive activities targeting inspections, or using Supplemental Environmental Projects for enforcement activities) requested by States in their "Vision Statements" and multi-year program plans that will accompany or follow their Core CSGWPP submittal, provided that the States can demonstrate that these flexibilities will meet minimum program requirements and improve ground water protection. An example appears in Appendix C.
- Changes in Oversight Practices. EPA ground water-related programs will work with States and grant recipients to carry out the goals of the joint effort to reform oversight and create Performance Partnerships ("Joint Commitment to Reform Oversight" signed by Administrator Browner, May 17, 1995). This effort will focus on analysis of significant environmental trends and patterns, giving States increased flexibility to address their priorities and ensuring strong accountability for results.
- Superfund and RCRA Site Assessments. Regional waste management divisions will consider assigning a higher priority for initiating site assessments at sites located in areas of high priority ground water, as defined by an endorsed Comprehensive State Ground Water Protection Program.
- Risk-Based Management in UST Corrective Action. EPA Headquarters UST Program will draft a policy that promotes the concept of risk-based management and decision making in State UST corrective action programs. The policy will emphasize that sites should be managed differently based on the human health and environmental risk that they pose, and that oversight should be focused on those sites posing the highest risk to communities. CSGWPPs could be a useful approach in achieving this goal.
- RCRA State and Tribal Implementation Program. EPA Headquarters will pursue promulgation of the State and Tribal Implementation Rule setting out standards for State and Tribal permit programs for municipal solid waste landfills. The Subtitle D program encourages approved States and Tribal programs to do ground water planning and allows States and Tribes flexibility to set standards for municipal waste landfills that reflect their interests.
- Training. All ground water-related programs should include cross-program and ground water-surface water relationships in training for Regional and State personnel, such as Facility Inspector and NPDES Permit Writers courses.

- use a State-developed ground water classification approach in establishing preventive requirements and in targeting sites for inspection and enforcement action; and
 - restrict placement of USTs in high risk ground water areas, especially source waters for community drinking water supplies, or require more stringent controls or monitoring for such tanks.
- LUST Trust Fund. The LUST Trust Fund will reemphasize to states that their cooperative agreements with EPA under the Leaking Underground Storage Tank (LUST) Trust Fund require use of a State-developed priority system when using Trust Fund monies for State-lead corrective action and enforcement. The priority system is to be used as a screening device to assure that sites addressed with these funds provide the greatest impact on or benefit for the protection of human health and the environment. The CSGWPP approach to classifying ground water could be an important element of the State's UST priority system.
 - Nonpoint Source Program. Regional Section 319 guidances should reflect State's ground water protection priorities from its CSGWPP in making funding decisions. Regions will continue to inform States that delineation activities for community wellhead protection areas and zones of significant ground water-surface water interaction are included as priority activities in the Section 319 guidance. EPA will continue to support Section 319 projects to conduct ground water assessments which identify priority areas for protection and lead to implementing protection efforts.
 - State Management Plan (SMP) Program. The SMP Program, like the CSGWPP approach, is based on the fact that programs to protect ground water should be designed and implemented consistent with distinctive community needs and conditions. SMPs provide the States with the flexibility to focus efforts to areas of greatest risk to pesticide contamination. FIFRA funding is available for States to target pesticide management practices, monitoring, and assessment activities to these areas the States identify as priority ground water protection areas.

Supportive Actions To Be Implemented

- Liaison with States. The EPA Ground Water Policy Committee through its Cluster Workgroup will establish a liaison with State organizations with multi-media representation for States with endorsed CSGWPPs to discuss and, where appropriate, act on opportunities for program changes proposed by States in their CSGWPPs and recommended by Regional offices because consideration is necessary at the national level.

- o Improved Coordination and Consistency in EPA's Ground Water-Related Programs, including consistency between ground and surface water programs,
- o Better Cross-Program Targeting of Funds to Common Critical Needs
- o Increased Activities to Build Support From Stakeholders

Within each theme, the actions are presented as:

- Supportive Actions Underway
- Supportive Actions Proposed for FY 1995/96 Implementation

Proposals for Future Evaluation are presented in Appendix A. At this time, Agency-wide consensus has not been achieved on them. These proposals need further discussion and have not been fully evaluated. Appendix B includes examples of a State's requests for EPA flexibility identified in its CSGWPP submitted to EPA for consideration. Appendix C presents a recent example for one State of a proposal for EPA program flexibility. Appendix D portrays the process for State-EPA interaction on future proposals for program flexibility, commitments, and Agency action.

The actions identified below reflect EPA's continuing commitment to improving ground water protection within its legal framework while recognizing that the States have the principal responsibility for the protection of this important environmental resource.

A. Greater State-led Community-based Decision Making giving States more flexibility to focus on critical ground water resources

Supportive Actions Underway

- Superfund and RCRA Corrective Action. Regional programs will continue to consider State ground water classification in the selection of Superfund remedies and RCRA corrective action, with respect to determination of expected ground water use, ground water cleanup standards, and pace of cleanup. (Superfund remedies may change based on the result of reauthorization.)
- Underground Storage Tank (UST) Program. The UST program will emphasize the existing flexibility that States have in implementing the UST program. The UST program is already very compatible with CSGWPP philosophy, to the extent that they both rely upon the concept of a State-oriented management program to achieve protection of ground water. Because of its flexible nature and the discretion provided to States, the UST program design currently allows States to:
 - determine priorities, as well as establish site-specific ground water cleanup standards for corrective action;

This focus will recognize that activities which affect local or regional ecosystems often need a holistic and targeted approach involving both ground and surface water.

Some recommended actions will be for operational changes identified through EPA's regional offices, and they may be effected promptly. Other actions may require regulatory changes over a longer timeframe. Certain proposed actions that would require statutory changes will be addressed separately from this process, as when laws are reauthorized. Improving comprehensive ground water protection is an ongoing process and the Ground Water Policy Committee and Cluster Workgroup will seek a wide range of input to foster its benefits, including effective participation by Regions and States, local governments, nongovernmental organizations, and other programs. All ground water-related programs are committed to giving this activity adequate attention to effect the improvements sought so that environmental results are achieved in a more effective, rational way. The EPA Assistant Administrators and Deputy Regional Administrators will be responsible for implementing the actions currently underway and proposed for implementation in Fiscal Years (FYs) 1995 and 1996.

III. The States' Leading Role in Identifying Future Changes

As States prepare their CSGWPPs for EPA endorsement and then begin implementing these programs, they will identify opportunities for further changes in EPA programs that will be useful in supporting comprehensive ground water protection. States have a leading role in identifying future changes in EPA's programs for ground water protection through the CSGWPP multi-year program planning process. Some opportunities will be State-specific and others will apply to Regions and the entire country. Regional offices will consider and act where appropriate, on proposed changes that affect specific States or the Region. These actions will also guide the development of Performance Partnerships between EPA and States for grants and cross- or multi-program activities. The Ground Water Policy Committee through its Cluster Workgroup will establish a liaison with State organizations having multi-media representation for States with endorsed CSGWPPs to ensure that opportunities for changes necessary at the national level are recognized, considered, and, where appropriate, acted on by the Senior management of EPA. The Cluster Workgroup will work with established State groups where appropriate.

IV. EPA Commitment to Actions for Improving Comprehensive Ground Water Protection

The actions identified at this time emphasize five themes:

- o Greater State-led Community-based Decision Making giving States more flexibility to focus on critical ground water resources
- o Increased Prevention Focus

**Continuing EPA's Commitment to Improving
Its Ground Water Programs
In Support of
Comprehensive State Ground Water Protection Programs**

I. Affirming the Commitment to Improving Comprehensive Ground Water Protection

With the release of the Final National Guidance for Comprehensive State Ground Water Protection Programs (CSGWPP) in 1993, EPA committed to take actions within its own programs that would promote these Comprehensive State Programs. The purpose of these actions, described below, is to develop a more rational Federal/State approach to manage environmental programs, focusing on State priorities, to give the total water resource more effective and efficient protection for its full range of human health and environmental endpoints in communities and State-identified priority ground waters. CSGWPP is part of the Agency's comprehensive approach which addresses all environmental concerns, including, for example, public health, critical habitat, biological integrity, and ground and surface waters. CSGWPP plays an important role in coordinating related program activities so that all water resources are effectively and efficiently protected. It will also provide one of the bases for funding Performance Partnerships between EPA and States.

EPA programs began to take some actions immediately, based on the results of the fourteen State and Federal agency Roundtable meetings in 1992, the completion of State and Regional ground water program assessments, and the preparation of the CSGWPP guidance in 1993. The result was the initiation of some improvements earlier than contemplated in the CSGWPP guidance. After release of the Guidance, other actions were identified as a result of the States developing their CSGWPP submittals for EPA endorsement. This report identifies the specific actions that EPA is already taking, will take or will evaluate for future action to support States in providing comprehensive water resource protection targeted on ground water and its interaction with surface water.

II. Continuing the Commitment

EPA will review proposals for future actions that could improve comprehensive ground water protection. The EPA Ground Water Policy Committee will review and take actions on recommendations from its Ground Water Cluster Workgroup. A key imperative for these efforts will be a review for recommendations that focus on improving States' ability to protect ground water in places of greatest demand, stress or vulnerability, which are often in or near communities and their drinking water supplies.

One Comprehensive Ground Water/ Watershed Guidance	Office of Water	Qtr 3 FY 1995
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Insp'n./Compl./ Enf. targeting on endorsed CSGWPP priorities	Office of Enforcement and Compliance Assurance	Qtr 4 FY 1995
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- **BETTER CROSS-PROGRAM TARGETING OF FUNDS TO COMMON CRITICAL NEEDS**

Multi-Program Grants Demonstration and Performance Partnerships	Office of Grants and Debarment	Ongoing FY 1995
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Grants Guidance supporting cross-prog. activities, including, where appropriate, surface water activities	Asst. Administrators & Deputy Regional Admin.	Qtr 4 FY 1995
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- **INCREASED ACTIVITIES TO BUILD SUPPORT FROM STAKEHOLDERS**

Outreach/Education and Local Action	Asst. Administrators & Deputy Regional Admin.	Ongoing
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Superfund and RCRA Site Assmts. in areas of State priority ground waters	Regional Superfund Program Dir./Chief	Ongoing
UST Risk-based Corrective Action policy	Office of Under-ground Storage Tanks	Qtr 4 FY 1995
RCRA State & Tribal Impl. Program (Subtitle D) to allow standards setting flexibility	Office of Solid Waste	Qtr 4 FY 1995
Training to incl. cross-prog. & ground & surface water interact'n	Office of Water	Qtr 4 FY 1995

● **INCREASED PREVENTION FOCUS**

UIC policy to fund CI V activities aimed at endorsed CSGWPP priorities	Office of Ground Water & Drinking Water	Qtr 4 FY 95
Research/Devel./Demo. Plan for preventing community ground water contamination	Office of Research and Development	Qtr 4 FY 1995
Indicators of Prevention Progress	Office of Ground Water & Drinking Water	Qtr 3 FY 1995

● **IMPROVED COORDINATION AND CONSISTENCY IN EPA'S GROUND WATER- RELATED PROGRAMS**

Regional Cross-Programs actions supporting CSGWPPs	Deputy Regional Admin.	Ongoing
Regional Response to State CSGWPP priorities	Deputy Regional Admin.	Ongoing
Superfund use of CSGWPPs to guide remedial activities	Office of Emergency and Remedial Response	Qtr 1 FY 1996
UIC Direct Impl. policy to improve coord. with UST & RCRA	Office of Ground Water & Drinking Water	Qtr 4 FY 1995

Ground Water Commitments

Commitment Summary

The Ground Water Commitments that follow are EPA's attempt to provide flexibility to the States in support of their Comprehensive State Ground Water Protection Programs (CSGWPPs). These Commitments are a result of discussions between the States and EPA's ground water-related programs, and of discussions within EPA programs. This report identifies the specific actions that EPA is already taking, will take, or will evaluate for future action to support States in their CSGWPPs. Substantial focus is on responding to State priorities, and promoting community-based protection and EPA-State Performance Partnerships.

These are only the first set of Ground Water Commitments. EPA will review proposals for future actions that could improve comprehensive ground water protection through the Agency's Ground Water Policy Committee. States have a leading role in developing these future actions. Recommendations of the States will provide the basis for negotiating their multi year program plans with the Regions, and will be discussed at Policy Committee meetings. All EPA ground water-related programs will work through the Ground Water Policy Committee and its Cluster Workgroup to ensure that any issues identified and flexibilities requested by States that are of national scope receive the benefit of an integrated EPA response.

<u>Commitment</u>	<u>Responsible Office</u>	<u>Date</u>
<ul style="list-style-type: none">GREATER STATE-LED COMMUNITY-BASED DECISION MAKING GIVING STATES MORE FLEXIBILITY TO FOCUS ON CRITICAL GROUND WATER RESOURCES, CONSIDERING APPROPRIATE SURFACE WATER CONCERNS		
EPA Liaison with States through State-led organizations for Endorsed CSGWPP flexibilities	Ground Water Policy Committee/Cluster	Qtr 4 FY 1995
State Flexibility Requests in CSGWPPs responded to by Programs	Asst. Admin. & Dep. Reg. Admin.	Ongoing
EPA Changes in oversight practices	All Program AAs, RAs, OECA	Qtr 2, FY 1996

APPENDIX D

Process for Amending Commitments Document

The following chart details how this Commitments document will be updated. States will make their flexibility requests through the CSGWPP endorsement process and through their State associations. Proposals that are of national scope will be reviewed by the Ground Water Policy Committee.

EPA CSGWPP COMMITMENTS PROCESS

