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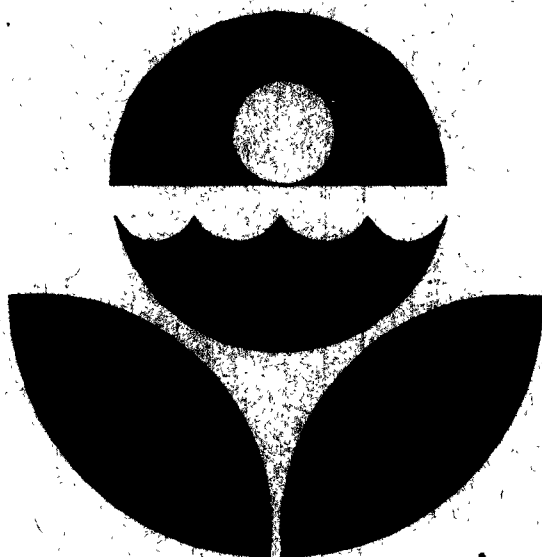
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Agency Operating Guidance FY 1990

Office of Water



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ADMINISTRATOR'S OVERVIEW

The following document outlines EPA's environmental program for FY 1990. It provides an overview of our national program strategies as well as priorities for permitting, enforcement, cleanup, and other activities for FY 1990. The most significant activities are included in the Strategic Planning and Management System (SPMS). Quarterly reports will inform me and other senior managers about EPA and state progress and accomplishments.

As we plan for FY 1990 and beyond, our Agency must seek better ways to manage this country's natural resources and protect the environment and public health. The challenge to protect the life sustaining ecosystem has never been greater. Together we can prevent -- not just abate -- pollution, address international environmental problems, and renew the nation's commitment to ecology and natural resource conservation.

Fundamental to all these goals is better management, stronger enforcement, and greater participation by the various groups with which we work.

Controlling Pollution is Not Enough: Pollution Must Be Prevented from Occurring in the First Place.

The country has learned the hard way that it costs much more to clean up pollution than to prevent it in the first place. The average cost of cleaning up a hazardous waste site under the Superfund program is now over \$10 million and rising. Yet the United States generates billions of tons of effluents, emissions, and other wastes each year, including nearly 160 million tons of municipal garbage. Currently, each citizen generates about three-and-one-half pounds per day. Our nation's communities are running out of disposal options for this waste. The economically and environmentally sound answer is waste reduction and recycling.

EPA will work with state and local governments to meet a national goal of 25 percent waste reduction and recycling by 1992. We will renew the agency's national leadership role to help educate the American public on the importance of recycling and will provide technical assistance to state and local governments to help meet this goal. EPA will encourage industry to find substitute materials and industrial processes that are more efficient and reduce risk. Only with the commitment of each level of government, industry, and the American people will this nation be able to reduce pollution and protect public health and the environment.

Solving The Most Dramatic Environmental Problems Will Require Unprecedented International Cooperation.

Acid rain, global warming, ozone depletion, destruction of tropical rainforests, and ocean pollution -- all will require an unprecedented degree of international cooperation. Preserving the quality of the environment in this country will mean addressing these problems internationally. We must help more countries around the world develop without compromising the environment.

Historically, the United States has shared its scientific research and pollution control technologies with other countries. Our standards for air pollutants and automobile emissions have been adopted by many governments. Recognizing the global nature of many environmental problems, our country must begin to work with others to build the legal and institutional framework needed to address the problems internationally. The Montreal Protocol to protect the ozone layer from destruction by chlorofluorocarbons (CFCs) and the work of the Intergovernmental Panel on Climate Change are important beginnings. Our country must provide strong international leadership to address these and other global environmental problems.

Renewing the Commitment to Ecology and Natural Resource Conservation.

At the heart of EPA's mission is protecting the environment: the country's streams, marshlands, estuaries, lakes, seashores, and skies and the creatures they support. The American people expect tangible environmental progress; they expect that valuable natural resources will be preserved for future generations. EPA needs to monitor how well we are doing. Are we protecting our wetlands from the pressures of development? Are beaches safe for swimming, shellfish beds for harvesting crabs and oysters? The Agency must renew our commitment to preserving or improving the quality of important natural resources now threatened or degraded by pollution.

In addition, this Agency needs more long-term scientific research to help answer critical questions: How do toxic chemicals behave after they are released into the environment? What are the risks associated with long-term exposures to them? How resilient is the ecosystem? Improving our understanding of the relative risks of toxic pollutants in water or air will help EPA set priorities better. Knowing more about the sources of these pollutants -- e.g., from urban or agricultural runoff or small dry cleaning and other operations -- will help us deal with the problems more effectively.

Getting More Environmental Results Means Better Management,
Stronger Enforcement, and Greater Participation by the Public.

There is a great deal to do and never enough time, people, or money to do it all. The Agency must get smarter about setting priorities among competing environmental needs -- priorities based on the potential to reduce or prevent significant health and environmental risks. Over the next few years EPA's budget decisions will need to be more closely linked with analyses of where the greatest opportunities lie for reducing or preventing risks.

EPA also needs to get a better handle on the extent to which our national, regional and local programs are achieving tangible environmental results. We now realize, for example, that dispersing industrial pollutants with tall stacks may reduce emissions in close proximity to a source but may also bring acid rain to lakes thousands of miles away. We need to assess the long-term consequences of our nation's environmental strategies: Do they effectively reduce or eliminate risks or merely transfer them to another medium? If the programs created years ago have not effectively addressed problems such as ozone, ground water contamination, or acid deposition, then they must change.

Over the next few years EPA needs to redouble efforts to track environmental conditions and trends to evaluate the effectiveness of its programs. This Guidance document describes environmental indicators now available to do this and work underway to fill the gaps. In addition, regional, state and local managers will have to place greater emphasis on tracking the progress of their efforts. The environmental indicators developed to help manage environmental problems in the Pacific Northwest, the Great Lakes, and Chesapeake Bay should be a model for other managers.


Better management is not the only requisite. Equally important is executing EPA's primary responsibility to implement the environmental laws of this land and enforce them with a sense of vigor and urgency. If compliance with the regulatory structure slips, it could lead to serious degradation in environmental quality.

EPA's enforcement policies call for aggressive and timely actions. To meet the growing demands on compliance monitoring and enforcement, we must work effectively as a team. We must continue to build strong working relationships within EPA, with state and local governments, and with the Department of Justice. Those involved in an enforcement action need to agree on their respective roles early on and maintain good communications throughout.

We must place greater emphasis on enforcement in all programs. In particular, we must increase the cleanups conducted by responsible parties under Superfund through expanded enforcement. Finally, many of the best ideas are to be found across the country. They are being quietly tried and tested by state and local governments, private firms, and non-profit groups. We at EPA need to listen to their ideas and promote those that are successful. Our regional offices are in a good position to work with local innovators and facilitate the transfer of good ideas to interested managers across the nation and internationally.

I encourage every program office to consult broadly with industry, environmental groups, state and local governments, and other interested parties as we develop regulations, policies, and legislative proposals. A high priority for the next four years will be to build active, effective working relationships with diverse interests. Cooperative problem-solving by these parties has repeatedly borne fruit.

I look forward to working with the dedicated and knowledgeable staff at EPA and with our counterparts in state government. The full cooperation and involvement of everyone are needed to help this nation and the world achieve a healthy, productive environment.



William K. Reilly

FY 1990 WATER PROGRAMS AGENCY OPERATING GUIDANCE

ASSISTANT ADMINISTRATOR'S OVERVIEW

The Water portion of the Agency's FY 1990 Operating Guidance provides national direction to EPA, States, Indian Tribes, and the regulated community in carrying out programs mandated under Federal water protection statutes.¹ These statutes include: the Safe Drinking Water Act (SDWA), as amended by the Lead Contamination Control Act of 1988; the Clean Water Act (CWA); and the Marine Protection, Research and Sanctuaries Act (MPRSA), as amended by the Ocean Dumping Ban Act of 1988. The Agency and the States also implement programs to protect groundwater quality through provisions under several different statutes.

The Office of Water (OW) uses a management accountability system to set priorities, define performance expectations and track and assess EPA and State performance. This system is vital to the effective functioning of the Water programs because it links a number of organizations at the Federal and State level (and, in some programs, local governments as well) to a common set of objectives and expectations when they are operating under these Federal statutes. The Office of Water Accountability System (OWAS) includes the OW portion of the Guidance, the accompanying SPMS measures, the OW program evaluation guide with quantitative and qualitative measures, and the OW mid-year Regional evaluations.

During the FY 1990 mid-year review process, the Regions provide the OW Assistant Administrator with their projected operating strategy and plan for FY 1991, including an overview of Regional and State priorities and their relationship to national priorities. This is done before FY 1991 commitments are made to set the context for negotiation of State work programs and those commitments. The mid-year evaluations also provide the Regions the opportunity to present and discuss Region-specific initiatives. These initiatives are directed at correcting Region-specific problems that will result in significantly increased environmental protection or substantially reduced health/environmental risks.

¹ The term State does not include Indian Tribes. The terms Indian Tribes, Indian Tribes treated as States, and Indian Tribes with Primacy are inserted after the term State where it is appropriate to do so.

Activities with associated SPMS measures are denoted by [SPMS] appearing at the end of the activities. Additionally, in line with the Agency format, activities increased from the FY 1989 Operating Guidance are indicated by a plus (+) in the left margin, new activities are indicated by the letter (N), and decreased activities are indicated by a dash (-). No notation indicates that the level of activity is the same as in FY 1989.

PROGRAM DIRECTIONS AND PRIORITIES

As a Nation, we have made impressive gains in the battle for Clean Water. Many of America's rivers, streams and lakes have been restored through the Federal, State, and local investment in science, regulatory actions, wastewater treatment. Generally the Nation has drinking water that is abundant and safe. The price for this level of quality is perpetual vigilance to ensure that our protection systems are maintained. Wastewater treatment systems must be constantly operated, maintained, and upgraded. New industry and municipal discharges must be stringently regulated. Drinking water sources must be protected, treated, and monitored to deal with a growing list of contaminants.

Despite our progress, we have not eliminated the underlying causes of contamination. In fact, they are growing with our population and economy. Habitat loss, especially wetlands and coastal areas threatens the ecological values we are struggling to protect. Nonpoint source pollution remains a serious problem and is now attracting more Congressional and public attention because our point sources are largely controlled. The plight of our near coastal waters and beaches is under scrutiny by the Congress, press, and public. Preventing the contamination of our underground sources of drinking water is an increasing concern of Congress and the public. Clearly, our job is not done.

Our arsenal of water program tools and responsibilities is abundant and public support for our programs is strong. New programs like Wellhead Protection, Nonpoint Source and the National Coastal and Marine Policy give us even greater opportunities to be effective through stimulating use of environmentally sound land management practices that augment and reinforce traditional pollution control approaches.

In FY 1990 we face the major challenge of maintaining the integrity of our base programs and taking advantage of our new opportunities, while facing substantial shortages in funding.

The programs we put forward in this Guidance are ambitious. Our operating policy is to demand as much Federal and State performance as the system can generate, to stimulate increasing cost-effectiveness in carrying out many of our repetitive tasks,

to advocate creative work-sharing arrangements among Federal, State, local and private programs, and to evaluate tradeoffs within a context of broad, basin-wide or State-wide strategies to address areas of greatest risk and benefit.

Both the Clean Water Act and the Safe Drinking Water Act programs are largely delegated to the States; thus effective State as well as EPA performance is critical to achieve success under these laws. In addition, EPA and States are increasingly dependent on local governments in newer geographic-based water programs such as Class V Underground Injection Control, Nonpoint Source, Wellhead Protection, and National Estuary Programs through consensus-building. This leads to some competition between Federal and State priorities, as well as tension between the decentralized structure and the need for national consistency, which must be managed within a climate of work-sharing and mutual respect.

A sound Federal/State partnership is essential to implement national programs in a comprehensive, coordinated fashion. In 1990, as a result of new and continuing demands from Federal Water statutes, EPA and States must take a leadership role in building public awareness and support to address Federal, State, and local funding needs in order to continue to:

- o Reduce human health risks posed by drinking water and protect ground-water resources that serve as drinking water supplies;
- o Protect and maintain critical aquatic habitats, including wetlands, from point and nonpoint sources of pollution; and
- o Protect and maintain the Nation's surface waters from point source discharges, especially hazardous and toxic pollutants.

In addition, Water programs will participate in EPA's strategic effort to bring about a long-term shift towards pollution prevention through source reduction and environmentally sound recycling. EPA will develop its Pollution Prevention Strategy in 1989, with each program, including Water, formulating its own plan in conjunction with the States and Regions. In 1990 EPA headquarters, Regions, and States will begin implementing a Water Programs' Pollution Prevention Plan.

EPA's Water programs will work with Indian Tribes on a government-to-government basis to take all appropriate actions, consistent with available resources, and to assist Indian Tribes in improving and maintaining the quality of their water resources. In 1990, as EPA completes pertinent enabling guidance and regulations, EPA will place emphasis on awarding grants to

Indian Tribes. In this regard, EPA will be reviewing and approving Indian Tribe applications for treatment as States as required by statute. In addition, emphasis will be placed on improving communications with Indian Tribes and States to encourage cooperative working arrangements.

A. Protecting Drinking Water Sources

EPA and State Drinking Water programs face many new challenges in 1990 in protecting drinking water at the tap and preventing contamination of ground waters and surface waters that serve as drinking water supplies. In 1990, EPA places high priority on States accepting primacy for the new EPA regulations, implementing the new program requirements, and enforcing against violators of existing standards. In accordance with this priority:

- o EPA and EPA Regions will continue to develop safe drinking water standards in accordance with the requirements of the 1986 SDWA Amendments.
- o States will need to increase enforcement substantially, master new program capabilities, and adopt new regulations to implement many new provisions of the 1986 Safe Drinking Water Act. Specifically, States will be expected to:
 - Enforce the first new Maximum Contaminant Levels (MCLs);
 - Expand monitoring requirements for volatile organic compounds;
 - Assume primacy for the new requirements in the surface water treatment, coliform, and lead/corrosion rules;
 - Initiate assessments of more than 9,000 surface water systems pursuant to the new treatment rule with emphasis on approximately 4,000 unfiltered systems;
 - Enforce the ban on plumbing materials containing lead and lead public notification regulations; and
 - Implement the provisions of the Lead Contamination Control Act.

Meeting new drinking water standards will be costly for States, municipalities, and other water suppliers, with small systems being the hardest hit because of high per capita cost, lack of technical expertise, and fewer alternatives for raising money. EPA's implementation strategy emphasizes setting risk-based priorities, providing flexibility within the regulations for small systems where warranted, increased enforcement, technical assistance, training, and education.

EPA's strategy for improving nationwide compliance with drinking water regulations is to:

- o Target enforcement actions on violators in significant noncompliance with existing standards; and
- o Stimulate voluntary compliance by improving the public's and regulated communities' understanding of the risks associated with contaminated drinking water and increasing their awareness of and support for treatment to reduce such risks.

EPA also places a high priority on preventing contamination of current or potential drinking water supplies through protective measures for ground water resources. EPA supports ground-water source protection through State ground-water protection strategies, State and local wellhead protection programs, and control of underground injection practices. In addition, EPA will continue to participate in the debate on whether national groundwater legislation is needed in order to protect the ground-water resource, more effectively.

There are a number of actions that States and EPA will take in 1990 to maintain momentum in this program. EPA will place increased emphasis on providing technical and financial assistance to help States and Indian Tribes expand and strengthen existing ground-water protection strategies to:

- o Address the total range of actual/potential sources of contamination such as nonpoint sources, hazardous waste, underground storage, and--in particular-- agricultural practices, especially pesticides.
- o Incorporate wellhead protection activities to protect areas surrounding public drinking water wells.

EPA will initiate a program demonstrating creative approaches to wellhead protection and the use of data management techniques to enhance local protection actions.

EPA and States will also place increased emphasis on effective compliance and enforcement of the UIC program. This includes:

- o Continuing rigorous enforcement of requirements governing Class I, II, and III wells with special emphasis on implementation of the hazardous waste injection restrictions and the Class IV ban.
- o Use of multi-faceted approaches to achieve the regulatory standard governing Class V wells (i.e., preventing endangerment of underground sources of drinking water). In 1990, this activity will focus on high risk Class V wells, particularly those that may threaten public water supplies.

B. Protecting Critical Habitats

The Clean Water and Marine Protection, Research, and Sanctuaries Acts contain mandates to restore and maintain the chemical, physical and biological integrity of the Nation's waters and to regulate and phase out ocean dumping of sewage sludge and industrial wastes, respectively. EPA's basic approach to protecting critical habitats involves the use of comprehensive approaches to address:

Coastal and Marine Waters

- o Target water bodies, including estuaries of national significance, the Great Lakes, Chesapeake Bay, and freshwater lakes and streams as prototypes for developing coordinated and innovative approaches.
- o Implement the "Interim National Coastal and Marine Policy" to:
 - Protect, restore and maintain the nation's coastal and marine waters,
 - Protect human health, and
 - Sustain living resourcesin cooperation with the National Oceanic and Atmospheric Administration and other Federal agencies by:

- Controlling pollution from both land based and off shore sources,
- limiting habitat degradation and loss, and
- paying greater attention to scientific needs.
- o Implement the Ocean Dumping Ban Act by issuing/enforcing permits that include a realistic schedule for ending ocean dumping and have alternative disposal systems in place.
- o Implement the schedule outlined in the Section 403(c) Report to Congress to assess the impact of the discharge limitations or conditions to assure no discernible degradation of the marine environment.

Wetlands

- o Continue to implement EPA's Action Plan for achieving the Wetlands Forum's goals of:
 - No overall net loss of the nations's remaining wetland base, and
 - Restoration and creation of wetlands where feasible, to increase the quality and quantity of the nation's resource base.

Nonpoint Sources

- o Provide leadership to the nonpoint source control program through implementation of the National Nonpoint Source (NPS) Agenda.
- o Implement, through assistance to State and local governments, approved elements of State NPS programs, with special emphasis on providing workable solutions (including best management practices and regulatory options), educational and public awareness materials, and improved water quality criteria and monitoring protocols. This activity will be coordinated with the assistance of the U.S. Department of Agriculture.

Protecting critical aquatic habitats requires integrated approaches that expand beyond traditional, end-of-pipe controls to a geographic-based approach. This approach will provide EPA and States with an opportunity to implement more comprehensive programs. In addition, this approach incorporates increased

coordination between EPA and other Federal, State, Tribal, and local governments and the public to ensure understanding of and commitment to approaches for protecting critical aquatic habitats.

The clearest example of this new approach is the National Estuary Program (NEP). Under this program, the States, EPA, other Federal Agencies, and the public are beginning to build understanding and agreement on both the regulatory tools and non-regulatory tools that may be needed to protect an estuarine ecosystem. There is momentum going with this new "fledgling" program, as well as in the NPS, Wellhead Protection, and Wetlands programs; and there is potential for controversy farther down the road if this approach does not translate planning into results through implementation of effective controls.

For this new approach to succeed, EPA's leadership is critical to stimulate action by other Federal, State, Tribal, and local entities to:

- o Develop and implement broad strategies that integrate pollution control, fisheries management, habitat management, and land use controls.
- o Obtain public support and citizen involvement in protecting specific resource areas (estuaries, lakes, wetlands).
- o Generate creative economic approaches (i.e., innovative financing, removal of unwarranted Federal development incentives, and support of conservancy proposals).

Success also requires continued support and assistance from EPA's Office of Research and Development to achieve EPA's ten-year strategy to reduce near coastal waters pollution. The research program will focus on toxicity mechanisms of marine and estuarine organisms and primary production as they relate to pollutant loads and eutrophication in coastal systems. It will also focus on wetlands mitigation actions, evaluate cumulative impacts of wetlands losses, and improve our knowledge of the wetlands-water quality interrelationships.

C. Protecting Surface Waters

Major improvements in surface water quality have been realized through the combined efforts of EPA and the States. Consistent with the WQA mandates, EPA, States, and Indian Tribes treated as States will focus on protecting human health and aquatic resources by identifying and controlling toxic pollutants and hazardous substances entering the nation's surface water.

However, major unmet needs exist in surface water programs even after more than 30 years of investment. Meeting these needs will be expensive, and the impact will fall heavily on municipalities which are expected to meet stringent effluent controls and implement and enforce existing pretreatment requirements, while at the same time implementing new requirements for combined sewer overflows, stormwater discharges, and sewage sludge handling and disposal.

Water programs will continue to maintain progress in water quality standards, permitting, enforcement, municipal construction grants management, and monitoring programs. EPA, States, and Indian Tribes working together will:

- o Adopt numeric criteria or a procedure to translate narrative criteria into numeric criteria in water quality standards for toxic 307(a) pollutants; complete necessary procedures to implement narrative and numerical criteria for instream toxicity due to any pollutant (e.g., chlorine, ammonia, and whole effluent toxicity); and make every effort to complete procedures to implement anti-degradation policies in this last year of the 1988-90 triennium.
- o Develop and revise effluent guidelines and categorical pretreatment standards to improve toxic pollutant control, develop standards for the disposal of sewage sludge, and develop water quality criteria and advisories.
- o Implement State combined sewer overflow (CSO) strategies, with priority on discharges into marine or estuarine waters.
- o Reissue expiring or modify existing major permits to incorporate limits for individual toxic pollutants and whole effluent toxicity, with priority given to actions that States will take for individual control strategies (ICSs) disapproved in 1989 and for expiring permits for near coastal water dischargers.
- o Develop sewage sludge management programs and issue priority permits.
- o Enforce against significant noncompliance by dischargers, including violations of toxic pollutant limits and POTW failure to fully and effectively implement local pretreatment programs, with emphasis on increasing enforcement in near coastal water areas.

- o Continue to use Federal Administrative Penalty authority to assure faster, more effective enforcement against direct and indirect dischargers.
- o Continue orderly closeout of the Construction Grants Program and building of sound, effective State Revolving Loan Funds to provide ongoing sources of financial assistance to construct wastewater treatment facilities and to implement NPS, groundwater, and NEP activities (including wetlands).
- o Develop public/private partnership arrangements to provide municipalities (especially small communities) access to technical information and expertise to build and operate cost-effective wastewater treatment facilities.
- o Enhance coordination and cooperation between wastewater and drinking water programs to assist small communities through joint outreach programs.
- o Establish compliance maintenance programs to promote effective management of the wastewater treatment infrastructure.

D. State Grant Priorities/Flexibility

States are facing a severe financial shortfall in their operating programs for drinking, ground and surface water, as they try to:

- o Implement the new requirements given to them by the amendments to the Safe Drinking Water and Clean Water Acts;
- o Maintain the base programs the States and EPA have built over the past 20 years; and
- o Replace Federal funds to compensate for the loss of the set-asides to the construction grants programs that diminish severely by the end of FY 1990 and disappear altogether at the end of FY 1994.

We are facing a breakdown. The challenge for us is to use our current funding crises creatively--to generate new sources of funding, to stimulate creative actions that achieve water quality benefits at lower costs, to engage local and private actions in performing tasks that relieve some of the governmental burden

without loss of environmental integrity. Otherwise, we will see growing backlogs of needed actions not completed (such as permits and standards), growing non-compliance not addressed and continuing loss of our clean water heritage. With our committed and experienced Federal and State program staff, we can and must master this challenge.

State implementation of programs for which they have accepted delegated responsibility or which they are directed to implement through Federal statutory mandates is not dependent upon a given level of Federal funding. However, EPA recognizes that 1990 will be a difficult year for many States given current budgetary constraints, and that some States will be faced with having to make program tradeoffs. It is essential that water quality gains made through the Federal-State Water Program efforts not be lost; any tradeoffs of base program activities to increase new program activities should be evaluated for impact on water quality.

EPA encourages States to use the State Clean Water Strategies (SCWS) process as their vehicle for setting out a plan that would give EPA an opportunity to make a reasoned judgment on any State's proposed alternative program. This approach provides States with a forum for addressing the key issues and setting priorities for action, a mechanism for integrating program activities (including coordination with other agencies), and an opportunity to build public support for their actions. In addition, this approach is the best vehicle for States to make a cogent case that they are continuing to protect water quality gains while evaluating tradeoffs between the base program and new activities.

EPA's State Funding Study, which will be completed in FY 1989, is directed at assisting States to assess and deal with their funding shortfalls. This Study, thus far, has documented States' needs and outlined alternative ways of raising additional revenues for environmental programs. The remainder of the Study is expected to result in the identification of ways in which EPA can support States to seek additional funds. In 1990, EPA will implement the recommendations of the Study that pertain directly to it, as well as work with the States in their efforts to raise additional State revenues.

II. ENVIRONMENTAL INDICATORS

The following potential indicators are being considered by the Office of Water as means to evaluate the long term impact of the programs described in this section. They are not accountability measures for evaluating FY 1990 program performance or impact.

A. PROTECTING OUR SOURCES OF DRINKING WATER

1. Public Water Supplies

- a. During FY 1990, Office of Drinking Water, Public Water Supply Program (PWS), will continue to explore specific environmental indicators which may be appropriate. Indicators being examined include: percent population served by PWSs in significant noncompliance (SNC), percent population served by PWSs with contaminants above reasonable risk, measures resulting in direct environmental benefits, and measures to reduce risks posed by drinking water contaminants which result in direct public health benefits.

2. Ground Water

- a. A set of indicators have been developed for ground water that EPA, the States, and Indian tribes can use to track progress and set priorities in ground-water protection efforts. The indicators are: maximum contaminant level violations in public drinking water supplies; nitrate levels in ground water, number of pesticide registration/re-registrations that have been modified to reflect ground water concerns, leachable pesticide usage in vulnerable ground-water areas; and the level of contamination in and around Resource Conservation and Recovery Act and Comprehensive Environmental Response, Compensation and Liability Act sites.

Review of the indicators is currently underway. Work with the States, Indian Tribes, and others in the ground-water community will continue. Inclusion of ground-water indicators in the 1992 305(b) Report is planned and EPA will continue to work with State representatives on the indicators used for this reporting.

- b. Placing more emphasis on environmental indicators to measure program success in the Underground Injection Control Program (UIC) was discussed during the FY 1988-89 UIC Data Management Assessment Project. The general consensus was that due to the nature of the UIC program, development of indicators would be difficult and implementation of them costly. The program is currently using surrogates for environmental indicators and will explore the appropriateness of using such indicators during FY 1990.

B. PROTECTING CRITICAL HABITATS

1. Marine Waters, Near Coastal Waters, and Great Lakes

- a. Site specific indicators are appropriate for the programs which impact near coastal and other surface waters. These include: the National Estuary Program, the Chesapeake Bay Program, the Great Lakes Program, and the Ocean Disposal and Marine Discharge Programs. Indicators that are and will continue to be considered by the above programs include: phosphorous, and/or nitrogen levels, dissolved oxygen levels, specific water and sediment toxic levels, declines and/or trends in aquatic resources and habitat characteristics. Because the programs within this group are geographically site specific, indicators will be developed for individual sites on an as needed basis.

2. Wetlands

- a. In FY 1990 emphasis will be placed on identifying and field testing indicators to measure the ecological integrity of the Nation's wetlands. Research will be conducted to determine appropriate chemical, biological, hydrological, and water quality criteria for use in wetland ecosystems.

State administered pilot programs will be initiated to apply the newly developed criteria in wetland monitoring and regulatory programs. The Office of Wetlands (OWP) will help States use these criteria to determine wetland inventory status and other types of trends. OWP will also continue joint efforts with OWRS, begun in FY 1989, to get States to incorporate wetland inventory and trend information into the 305(b) reports and other information systems as appropriate.

- b. In addition, OWP will work with the U.S. Fish and Wildlife Service (FWS) to assess better methods to calculate an inventory of the remaining wetlands in the United States. Recommendations made by the National Wetlands Policy Forum on how to improve inventory information will be a key element in developing this new methodology. The new methodology will be useful as the FWS publishes its second comprehensive report on the Status of the Nation's Wetlands in FY 1990.

C. PROTECTING SURFACE WATERS

1. Rivers, Streams, Lakes, Marine Water, Near Coastal Waters, and Wetlands

- a. In FY 1989 the Office of Water Regulations and Standards (OWRS) and the the Office of Management Systems and Evaluation (OMSE) initiated a study to develop a uniform set of water quality and trend indicators for inclusion in the FY 1991 Agency Operating Guidance.

These indicators will provide EPA and the States with a quantitative means to track national progress in improving and protecting surface water quality. The specific objectives of the study include:

- (1) Recommend actual or surrogate measures of improvement in surface water quality and in the benefits of these changes.
- (2) Assess availability of data to support the candidate indicators.
- (3) Prepare a final report describing indicators determined by consensus to be the most meaningful and measurable.

A technical panel consisting of representatives from the Office of Water Regulations and Standards (OWRS), the Office of Marine and Estuarine Protection (OMEP), OWP, Office of Water Enforcement and Permits (OWEP), the Office of Municipal Pollution Control (OMPC), the Regions, other Federal Agencies, and several States is the major vehicle for determining the most appropriate indicators for the Office of Water's surface water program.

The final report on the recommended indicators will be issued during FY 1990. Indicators will be proposed for fresh and Estuarine waters. In addition, special emphasis will be placed on recommending indicators for near coastal and marine waters.

- b. A major activity in FY 1990 will be to examine how these indicators can be integrated into OWRS, OWEP, OMEP and OMPC management activities.

III. ENVIRONMENTAL PRIORITIES

A. PROTECTING OUR SOURCES OF DRINKING WATER-ACTIVITIES

1. Public Water System Supervision (PWSS) Program

Major activities for the PWSS center on the reduction of all violations of the National Primary Drinking Water Regulations (NPDWR). The first priority for FY 1990 is the elimination of all significant noncompliers of these regulations. At the same time, Headquarters and Regions will enlist the support and participation of all parties concerned about drinking water in order to promote implementation of a comprehensive new regulatory framework for drinking water protection. The principal objective is to achieve the maximum degree of voluntary compliance with existing and new NPDWRs through the balanced applications of guidance, training, technical assistance and enforcement. To this end, for FY 1990 we will see an increased need for follow-up in community water systems which have previously received an enforcement action but have failed to comply.

Headquarters

- + o Headquarters will continue to direct the national implementation of the six mobilization initiatives started in FY 1989, including coordination and support to the Regions, States, and national organizations in carrying out specific action plans.
- + o Headquarters will continue public education by completing pamphlets and other outreach materials related to microbiological contaminants, radon, and lead; participate in the National Drinking Water Week Coalition (with 12 other organizations); and conduct expanded media briefings on SDWA implementation.
- + o Headquarters will continue to build State capacity by working with State governments to complete State-specific strategies and involving various organizations in building support for innovative funding or related options.
- + o Headquarters will continue the initiative to gain local government support of SDWA provisions by continuing development of materials for local government officials in collaboration with public and private organizations, and developing coalitions with other Federal agencies and organizations.

- + o Headquarters will continue efforts to assist small systems through such initiatives as the mobile home parks pilot project. Potential new initiatives include a nationwide circuit-rider training program for small private utilities, third-party training and technical assistance, improving the links between small systems and package-technology vendors, pilot projects to develop innovative technical solutions, and cross-program efforts throughout EPA to provide training and technical assistance.
- + o Headquarters will continue the coalition with Federal, industrial and educational groups to inform the non-transient water system community of its obligations under the SDWA Amendments.
- + o Headquarters will continue the Technology Outreach Initiative by promoting the development and adoption of simple low cost treatment technologies for small systems to implement the SDWA and by helping to reduce the barriers to innovative technological solutions; continuing outreach activities on future laboratory capacity and certification requirements; and implementing the ODW/ORD memorandum of agreement to support technical and scientific outreach, particularly for small systems.
- + o Headquarters will substantially complete regulation of 83 contaminants, and continue development of regulations for disinfection/disinfectant by-products.
- + o Headquarters will concur on selected State primacy revision applications.
- + o Headquarters will prepare guidance for the Issuance of Variances and Exemptions which will include guidelines on cost feasibility and unreasonable risk to health criteria.
- + o Headquarters will prepare guidance for States and Regions on conducting vulnerability assessments.
- + o Headquarters will continue to emphasize the upgrading of laboratory certification programs for new contaminants and expand the scope and regulatory approach to establish a more nationally uniform program for laboratory certification.
- + o Headquarters will continue to encourage reciprocity among States in laboratory certification and use of third party certification of drinking water laboratories.

- + o Headquarters will, in accordance with the Lead Contamination Control Act, publish and disseminate guidance to help schools test for, find sources of, and remediate lead contamination of water supplies in school buildings; accompanying this guidance will be a list of water coolers known not to be lead free. Headquarters will provide technical advice to the Regions regarding the use of the guidance.
- o Headquarters will initiate efforts with the OGWP to develop mechanisms for incorporating ground-water protection components into PWSS program activities.
- o The Office of Drinking Water and the Office of Municipal Pollution Control will continue to work together so that information transfer and technical assistance activities of each program can be carried out efficiently and effectively, especially for small systems.
- + o ORD will provide reports on clinical, epidemiology, and toxicity studies and human health assessments on disinfection and disinfectant by-products and drinking water contaminants to support the ODW need to develop quantitative risk assessments for drinking water regulations.

Regions/States/Indian Tribes

- + o Regions and States will participate in the national mobilization strategy task force and be actively involved in one or more of the subgroups of the six initiatives. Outreach, technical assistance, training, and technical transfer activities will focus on the areas identified by the national task force, based on the individual initiative action plans. Outreach activities by the Regions and States will be supported by the national task force, and be targeted toward the State and local counterparts of those national groups involved with the national mobilization task force activities.
- + o Regions will work with States to continue revision of current primacy programs to adopt new Federal regulations related to VOCs, public notification, the surface water treatment rule, total coliforms, lead and other regulations to implement the Safe Drinking Water Act Amendments of 1986.

- + o Regions, States and Indian Tribes with primacy will continue to evaluate those PWSs that use surface water to determine: (1) in the case of unfiltered systems, whether treatment is necessary, and (2) in the case of systems currently filtering whether there are treatment deficiencies. In either case, States will supervise compliance with prescribed performance criteria, monitoring schedules, and/or compliance schedules.
- + o Regions will conduct special reviews of selected State and Indian Tribe PWSS programs where there is concern about a State's or Indian Tribe's ability, or effort, in implementing the primacy program.
- + o Regions, States and Indian Tribes with primacy will continue to emphasize reduction of violations of the NPDWRs. This will include those regulations where compliance data are due in FY 1990. Regions, States and Indian Tribes with primacy should use the full range of available tools, and escalate actions as needed, to achieve compliance -- training, plan review, sanitary surveys, technical assistance, site inspections, enforcement, etc. Regions, States and Indian Tribes with primacy should take into consideration degrees of contamination, populations at risk, acuteness of risk, etc., in employing those compliance tools and apply them strategically to obtain the maximum value for each action. Regions, States and Indian Tribes with primacy should ensure that their approach to noncompliance resolution is consistent with the ODW compliance strategy.
- o Regions, States and Indian Tribes with primacy are to negotiate annual targets for the net percent change in micro/turbidity/TTHM SNCs during the year. The goal for the national average is a 10% net decrease in the number of microbiological MCL or monitoring, turbidity MCL or monitoring, or TTHM monitoring SNCs over any 12 month period. Individual States, Indian Tribes and Regions should negotiate targets based upon that State's or Indian Tribe's current compliance status and capabilities in improving compliance. [SPMS]
- N o Regions, States and Indian Tribes with primacy are to negotiate annual targets for the net percent change in priority micro/turbidity/nitrate/VOC violations during the year for non-transient systems. National expectation is to identify these violations and show positive improvement in reducing the violations. Individual States, Indian Tribes and Regions should

negotiate targets based upon that State's or Indian Tribe's current compliance status and capabilities in improving compliance. [SPMS]

- + ○ Regions, States and Indian Tribes with primacy should emphasize use of their administrative, civil, judicial and criminal enforcement authorities and follow through on enforcement actions to ensure water supplies achieve compliance.
- Regions, States and Indian Tribes with primacy should ensure that all SNCs are either returned to compliance or are addressed in a timely and appropriate fashion. Regions are to utilize available resources (based on Enforcement Model - FY 1990) to take appropriate enforcement action against all SNCs not addressed by States in a timely and appropriate fashion. [SPMS]
- Regions, States and Indian Tribes with primacy should ensure that all noncomplying systems are at risk of an enforcement action. Although first priority should be on SNCs, noncomplying systems which do not meet the SNC definition should not be ignored. These systems should understand that they are in violation and are subject to enforcement actions. Regions, States and Indian Tribes with primacy should agree to enforcement actions against some number of non-SNCs. Regions and States with few SNCs should also focus on those non-SNC violators which are considered to deserve the most attention. EPA's Compliance Strategy should be used in identifying those systems or groups of systems.
- + ○ Regions, States and Indian Tribes with primacy should emphasize importance of Enforcement Agreements containing clear statements of what is expected of both States, Indian Tribes and Regions. Regions, States and Indian Tribes with primacy will, at a minimum, conduct quarterly compliance reviews to discuss and verify progress made in compliance and enforcement activities. During these reviews, systems previously identified as SNCs and addressed by an appropriate action that involves a compliance schedule, and which have not yet achieved physical compliance, should be reviewed. All systems which fail to meet the conditions of their compliance schedules are to be reported quarterly and are subject to additional State or Federal formal enforcement action.

- + o Regions, States and Indian Tribes with primacy will monitor violations of MCL/monitoring requirements for non-transient, non-community water systems, and follow up with technical assistance, training, information, and enforcement action as appropriate to bring about compliance.

- + o Regions will report information on Federal administrative enforcement actions to Headquarters in an acceptable format for statistical analyses and to assess Regional performance relative to workload model resources. This information will be used in an administrative tracking system developed by Headquarters and utilized by Regions to monitor and manage AO activities. Included in this information will be totals for NOV's, proposed and final AOs, complaints for penalties, and Sec. 1431 emergency orders. [SPMS]

- o States and Indian Tribes with primacy are to report accurate violation and enforcement data and quarterly updates of community water system status, and annual updates for non-community water systems to Regions within 60 days after the end of each quarter/year. Regions are to ensure that data are submitted for inclusion in FRDS and available for extraction within 90 days after the end of each quarter.

- + o Regions will continue to review State and primacy Indian Tribe programs for implementation of lead ban provisions in accordance with the lead 5% guidance.

- o Regions will continue to conduct data verifications of State compliance reports and begin verification with any new Indian Tribe program reports. Regions will follow up on those States for which previous audits revealed reporting inconsistencies to ensure that reporting quality improves.

- o Regions with Headquarters assistance will continue special compliance initiatives (e.g. Caribbean and Alaskan Remote Villages initiatives) and should begin such new initiatives as warranted.

- + o Regions and States are to review semi-annual updates of Federal Agency Pollution Abatement Five-Year Plans (OMB Circular A-106), obtained from Regional Federal Facility Coordinators. Among other review priorities, Regions/States should determine whether Federal agencies are planning and budgeting for newly promulgated regulations (with effective dates in the future), so compliance may be obtained in a timely and

appropriate manner. The State A-106 review should be linked to State performance requirements through State/Federal Agreements.

- N o Regions will review compliance status for all Federal facilities and initiate proper actions in cases of violation.
- + o Regions will distribute guidance and list of water coolers containing lead to States and primacy Indian Tribes for distribution to schools in accordance with the Lead Contamination Control Act.
- + o Regions will coordinate and support the development of State programs to encourage local testing of taps in schools and other buildings. Regions will also provide technical support to States and Indian Tribes regarding use of the list and guidance to identify and remedy elevated lead levels in schools and other buildings.
- o Regions will continue to coordinate sampling and information dissemination of the Pesticides Survey.
- + o Regions will act expeditiously on Indian Tribe applications for treatment as States for development grants and for primary enforcement responsibility.
- o Regions will continue to support Superfund activities on site-specific actions, reviews of remedial and feasibility studies, and application of drinking water MCLs.

2. Ground-Water Protection

Protecting ground-water resources continues to emerge as a major national environmental issue. Because States/Indian Tribes have primary responsibility in managing ground-water resources, a major Federal role is to assist in their ground-water protection and management efforts. Thus, EPA's activities include coordinating programs with ground-water responsibilities, assisting States/Indian tribes in developing a Wellhead Protection (WHP) program [in accordance with Section 1428 of the Safe Drinking Water Act (SDWA)] providing technical and financial assistance for the States/Indian tribes on ground-water protection strategies, and carrying out the Sole Source Aquifer (SSA) designation process and review of Federal financially assisted projects affecting SSAs. In addition, EPA is developing policies to ensure integration and consistency of approach for Federal programs focused on ground-water protection efforts. Upon

completion and adoption, these policies will be implemented by EPA programs and appropriate activities will be revised accordingly.

Headquarters

- N o Headquarters and Regions will assist States/Indian tribes in using the Wellhead Protection program as a key element in prioritizing and focusing Federally supported ground-water protection activities, i.e., UIC, NPS, RCRA, UST, Superfund, Pesticides.
- o Headquarters and Regions will carry out the national role of promoting and assisting States/Indian tribes in developing and implementing wellhead protection activities specifically tailored to their hydrogeologic and environmental conditions.
- o Headquarters will continue to develop and publish technical assistance documents on specific wellhead protection issues as well as other activities to prevent the contamination of ground water.
- o Headquarters and Regions will compile data and prepare reports on the States'/Indian tribes' activities in wellhead protection.
- N o Headquarters will work with Office of Water (OW) programs to develop mechanisms for incorporating ground-water protection components into all water activities.
- N o Headquarters, in connection with the OW Committee, will work with the Office of Pollution Prevention to develop a joint agenda for ground-water protection activities.
- + o Headquarters will work with Regions to integrate further Regional ground-water protection activities with both other media, specifically RCRA/CERCLA, and other water programs.
- + o Headquarters will issue guidance for assisting States/Indian tribes to broaden their ground-water protection strategies to include other environmental components, such as nonpoint sources of pollution, agricultural chemicals, underground storage tanks, as well as other activities such as monitoring and systems/regulations development which were missing or vague in current strategies.

- o Headquarters and Regions will participate in EPA-USDA joint efforts on agricultural and environmental issues.
- N o Headquarters and Regions, with the Office of Pesticides Programs, will issue guidance documents to assist States/Indian tribes in developing pesticide management plans which include prevention measures tailored to area-specific differences in ground-water use, value, and vulnerability and work with States/Indian tribes to carry out pilot projects and capacity building activities.
- N o Headquarters will develop guidance for State/Indian tribe ground-water grants, as provided under Sec. 106 of the CWA, focusing on State/Indian tribe ground-water strategy revision and adoption activities based on an EPA-sponsored study and forum with the States.
- o Headquarters will continue to participate in the SSA designation process through oversight, analyses, and, if necessary, petition review.
- o Headquarters will implement common data standards for the collection of ground-water data which, in turn, will enhance storage and retrieval efforts.
- N o Headquarters will develop and facilitate the application of PC programs which use existing Federal/State data systems such as STORET, IRIS, FRDS, and WATSTOR in support of ground-water protection.
- N o Headquarters will continue to enhance and modernize STORET and other EPA ground-water data management systems to make them more "user friendly."
- N o Headquarters and Regions will continue their involvement both in developing techniques for and in promoting the use of geographic information systems (GIS).
- N o ORD will work on developing methodologies for delineating wellhead protection areas, identifying and assessing the risk of various point and nonpoint sources of contamination, and developing approaches for managing those risks within a given management area.

- o ORD will continue to focus on methods development for studies of subsurface transport and fate processes, resulting in better human exposure assessments from ground-water contamination.
- o ORD will continue to support technology transfer programs, focusing efforts on the WHP program.

Regions/States/Indian Tribes

- + o Regions will conduct a comprehensive review of each State/Indian tribe wellhead protection (WHP) program submitted to EPA for approval to determine whether or not the program meets the full or partial requirements mandated by statute. [SPMS]
- o Regions will provide ongoing consultation and technical assistance to States/Indian tribes in the development and/or implementation of their WHP programs.
- N o Regions will assist States/Indian tribes in the delineation of Wellhead Protection Areas and will enhance States' capacity to assess specific sources of contamination and develop risk management strategies and options for multiple sources of ground-water contamination.
- N o Regions will test the applications of methods, particularly data management, for protecting ground-water resources which serve as drinking water supplies through pilot projects in selected communities.
- o Regions will expand outreach and technical support activities to assist Indian tribes in planning and initiating wellhead protection activities.
- o Regions will assist in the implementation of protection efforts which foster prioritization and consistency of action based on ground-water use, value, and vulnerability.
- + o Regions will continue to provide technical assistance to States/Indian tribes in their ground-water protection strategies, particularly in response to the EPA-sponsored study and forum with the States.
- + o States/Indian tribes will refine and further develop processes to implement their ground-water protection strategies, particularly focusing on those areas requiring additional development.

- N o Regions will provide technical assistance to appropriate State Water and/or Environmental Protection Agencies in approaches to incorporating pesticides management activities into their ground-water protection strategies.
- N o States will promote a multi-agency approach for development of pesticide management plans for ground-water protection.
- o Regions will continue to manage the ground-water grants (CWA section 106), to be used by the States/Indian tribes to develop and implement ground-water protection strategies.
- o Regions will receive petitions for SSA designations, formally accept completions and provide the technical expertise necessary to review these petitions.
- o Regions will review environmental impact statements for appropriate Federal financially assisted projects which affect a designated SSA.
- N o Regions will identify ground-water data from Federal and local sources which can be accessed through STORET and provide technical assistance in its use.
- N o Regions will provide technical assistance to Regional and State data collectors in the use of the minimum ground-water data element set so as to increase compatibility of the data being collected.
- N o Regions will promote the use of GIS by Regional/State/local managers in ground-water programs and will assist the ground-water program managers in their use of the EPA-developed PC programs for storing and using data in their decision-making endeavors.

3. Underground Injection Control Program

The major goal of the Underground Injection Control program in FY 1990 continues to be the effective implementation of the Federal UIC programs for non-primacy States and Indian Tribes and the oversight of State and Indian Tribe UIC primacy programs. A key objective in FY 1990 will be increased compliance and more effective enforcement in direct implementation and primacy programs. This will include more national consistency in handling SNCs, increasing issuance of AOs, implementing HSWA requirements, and a continuing emphasis on field inspections and surveillance. In addition, the

Agency will, as appropriate, issue additional regulations and guidances and revise existing regulations governing Class I, II and V wells. For Class V wells, major activities will be the implementation of the Class V strategy and increased activity on the part of Regions and States to identify and deal with high risk wells. Finally, the program will issue revisions to the Class II well regulations, as warranted, pursuant to FY 1988 and 1989 mid-course evaluation activities.

Headquarters

- + o Headquarters will ensure that there is national program consistency among Regions, States and Indian Tribes with primacy; timely and appropriate handling of and response to SNCs by issuing additional guidance as necessary; providing training for Region, State and Indian Tribe staffs; and increasing emphasis on EPA oversight.
- o Headquarters will provide timely reviews and coordination of all judicial enforcement actions on a continuous basis throughout the year.
- + o Headquarters will, as appropriate, issue additional guidance or propose revisions to existing UIC regulations for Class II wells based on the FY 88 and 89 mid-course evaluation results.
- + o Headquarters will continue to coordinate with OSW in proposing and promulgating effective land ban dates for the "Thirds" list of hazardous wastes currently being injected in Class I-H wells.
- + o Headquarters will provide technical support to Regions and States in the review of Class I exemption petitions to assure national consistency.
- o Headquarters will continue to bring high risk Class V wells under regulatory control that have been determined to require further control through permitting, closure, or clean-up.
- o Headquarters will continue to support Regions, States and Indian Tribes with primacy by providing technical assistance to local governments on issues pertaining to Class V wells.
- + o Headquarters will continue to conduct the peer review project to enhance program management through exchange of information. In FY 1990, the focus will be on

Regional oversight of State primacy programs. Headquarters will identify areas where national guidance and policy revisions are needed.

- o Headquarters will continue to work with the National MIT Workgroup to review alternative methods for demonstrating mechanical integrity of wells for which no current method is yet acceptable. Final determination will be made on interim approvals made in previous years.
- o Headquarters will continue efforts with USDA agencies in managing problems associated with agricultural injection wells.
- o Headquarters will continue to work with the Regions to deliver inspector training and ensure that both new and experienced inspectors receive program-specific training.
- o Headquarters will continue to work with the Regions to provide training for Indian Tribes on UIC issues.
- o Headquarters will initiate efforts with the OGWP to develop additional mechanisms for incorporating ground-water protection issues into UIC program activities.
- o Headquarters will continue to improve the areas of coordination between the UIC program and other Federal, State and Indian Tribe agencies dealing with ground-water (CERCLA, RCRA, CWA, TSCA, FIFRA).

Regions/States/Indian Tribes

- o Regions will oversee States and Indian Tribes with primacy by conducting intensive reviews of selected programs, negotiating enforcement agreements, and taking formal enforcement actions where States or Indian Tribes have not or cannot respond to significant violations in a timely and appropriate manner.
- +
- o Regions, States and Indian Tribes with primacy should respond to all violations and must escalate actions in accordance with national guidance on timely and appropriate enforcement actions for all SNCs. Regions will primarily employ Administrative Orders (AOs) to deal with SNCs especially where less formal measures do not result in timely compliance. [SPMS]

- + o Regions, States and Indian Tribes with primacy will remain alert to possible criminal violations arising from false reporting or fraud and take timely and appropriate actions.
- + o Regions, States and Indian Tribes with primacy will ensure compliance with all formal enforcement actions (both civil and criminal) through tracking and prompt follow-up when deadlines are missed. [SPMS]
- o Regions will continue to provide support for administrative and judicial enforcement cases begun in FY 1989 and prior years.
- + o Regions, States and Indian Tribes with primacy will continue to close Class IV wells as they are discovered. All suspected unauthorized Class IV wells will be investigated promptly and all necessary steps taken to ensure proper plugging and abandonment of Class IV wells. Where it appears that injection has been knowingly continued after prohibition, the matter should be referred to the Office of Criminal Investigation for evaluation.
- o Regions, States and Indian Tribes with primacy will maintain a strong field presence by conducting field inspections and surveillance in accordance with the priorities established in the UIC Compliance Strategy. This will occur on a continuing basis throughout the year. [SPMS]
- N o Regions, States and Indian Tribes with primacy will implement agency-specific compliance review strategies based upon guidance issued in FY 1989. This activity will ensure that all permitted or rule-authorized Class I, II, III, or permitted Class V wells receive comprehensive technical/operational evaluations, including field inspections, on a regular basis to determine their compliance with applicable regulations. Compliance reviews can be triggered by such events as re-permitting, 5-year permit reviews and follow-up to non-compliance events. Compliance reviews replace the 5-year cycle file review. [SPMS]
- o Regions, States and Indian Tribes with primacy will continue to review and make permit determinations for injection wells. There will be a continued emphasis on permitting new Class II wells, so that oil production will not be impeded. Additionally, Federal, State and Indian Tribe administered UIC programs should place increased priority on permitting

Class V wells and bringing high risk Class V wells under regulatory control especially where they threaten to contaminate USDWs. [SPMS]

- o Regions will review petitions for exempting Class I-H wells from ban provisions. States may assist the Regions in the review process.
- o Regions will ensure through all Regional, State and Indian Tribe primacy program grant workplans and agreements and Enforcement Agreements that State and Indian Tribes carry out quantifiable Class V activities, such as inventories, inspections, permitting and enforcement actions as well as monitor State compliance enforcement activities for Class V wells.
- N o Regions, States and Indian Tribes with primacy will identify, implement and oversee demonstration projects which will generate data and information necessary for continued Class V well strategy and regulation development within current resources. Demonstration projects will be approved by Headquarters based on guidelines issued in FY 1989.
- + o Regions will continue to take enforcement actions against high priority Class V wells as required by UIC guidance #62.
- o Ada ORD will continue to develop technological alternatives for regulating Class V wells.
- + o Regions will expeditiously review and process approvable Indian Tribe applications for treatment as State designation, for development grants, and for primary enforcement responsibility.
- N o Regions, States, and Indian Tribes treated as States with primary enforcement authority will review primacy program agreements and MOAs to ensure they are up to date in light of the changing State and Indian Tribe laws and implementation processes as well as new national regulations.
- N o Regions will work with States and Indian Tribes with primacy to implement plans for inventory maintenance and data quality assurance, after the phase out of the FURs data base to ensure timely and accurate program reporting.

- o Regions, States and Indian Tribes with primacy will continue to monitor and review the mechanical integrity of injection wells to determine compliance with UIC regulations. [SPMS]
- o With support from Headquarters, Regions will continue to provide program-specific training to both new and experienced inspectors.
- o Ada ORD will continue field evaluations of techniques for determining the mechanical integrity and adequacy of the construction of injection wells.
- o Regions will continue to report information on Federal Administrative enforcement actions to Headquarters. [SPMS]
- o Regions will continue to initiate MICs/MOUs with Regional Ground Water Offices and keep them apprised of all coordination activities involving other ground-water related programs.

B. PROTECTING CRITICAL HABITATS-ACTIVITIES

1. Ocean Disposal Site Permitting and Discharge Programs

In FY 1990, focus will be on implementation of the new ocean dumping legislation by Headquarters and Regions. Regions will have an expanded role in preparation of environmental impact statements (EISs) and disposal site designations for dredged materials, as well as continuing to implement Memoranda of Understanding (MOU) with the Corps of Engineers (COE) District Offices, based on the national Agency-COE MOU. The Regional role in site management and monitoring will also be expanded, and Regions will continue to implement ocean discharge programs under sections 301(h) and 403(c). In FY 1990, Headquarters and Region II will continue work on plastic and other pollution control activities required by MPPRCA, as well as the Ocean Dumping Ban Act and degradable plastic ring legislation of 1988.

Headquarters

- N o HQs will provide guidance and support to Region II in the implementation and oversight of 1988 ocean dumping legislation; in preparation of required reports to Congress; and in coordination of activities with the National Oceanic and Atmospheric Administration (NOAA) and U.S. Coast Guard (USCG). (Ongoing)

- N o HQs will oversee MOUs with NOAA and USCG regarding their responsibilities under 1988 ocean dumping legislation. (Ongoing)
- N o HQs, with Region II assistance and with other Federal agencies as appropriate, will prepare and submit report to Congress on ocean dumping monitoring plan. (1st Quarter)
- N o HQs, with Region II assistance, will begin to prepare first annual report to Congress on ocean dumping monitoring for submittal in the 1st Quarter of FY 1991. (3rd Quarter)
- + o HQs will continue to support Region II and other activities, in cooperation with NOAA, for reduction of marine plastics problems, including problem assessments and public education on marine debris. (Ongoing)
- + o HQs will continue to provide overview, guidance, and contract assistance to Regions on EISS, site designation decisions, site management, sitemonitoring, and disposal permit issuance. (Ongoing)
- N o HQs, in cooperation with Region II and NOAA, will hold a workshop on sewage sludge dumping at the 106 mile-site. (4th Quarter)
- + o HQs will continue to develop comprehensive revisions to ocean dumping regulation and implementing guidance; develop final testing protocols manual, and support Regional implementation through increased training and technical assistance. (Ongoing)
- N o HQs will develop interim testing protocols manual in cooperation with Regions and COE. (4th Quarter)
- o HQs, with assistance of ORD, will continue to support MPRSA monitoring activities for evaluation of permit compliance in cooperation with USCG, and continue to support and provide oversight of the Regional enforcement of MPRSA. (Ongoing)
- o HQs will prepare and submit the annual report to Congress on administration of the ocean dumping program. (2nd Quarter)
- + o HQs will continue to provide technical guidance and direction for implementation of 301(h) monitoring programs and revisions to 301(h) regulations; and

assist Regions in managing and analyzing an increased volume of monitoring data for permit reissuance under the revised regulation. (Ongoing)

- + o HQs will issue guidance for implementing 403(c) program strategy as stated in the 1989 report to Congress, will follow-up on the report recommendations, and will provide support to Regions for selected evaluations. (Ongoing)

Regions

- N o Region II, with HQ assistance, will monitor permits issued in FY 1989 for ocean dumping of sewage sludge and industrial wastes for compliance with milestones in compliance or enforcement agreements and with permit terms; and take enforcement actions, as appropriate. (Ongoing)
- N o Region II, with HQ assistance, will prepare and submit first annual report to Congress on progress made to end ocean dumping of sewage sludge and industrial waste. (1st Quarter)
- o Regions will continue to conduct delegated ocean dumping site designation activities. (Ongoing)
- + o Regions will increase involvement in preparation of EISs for ocean disposal of dredged material and site designation rule-making packages, review COE permits, and expand efforts in conducting monitoring reviews for site management with support of COE under EPA Region-COE District agreements. (Ongoing) [SPMS]
- + o Regions will review ocean disposal permit applications, require case-by-case testing to evaluate wastes, conduct appropriate hearings, develop outreach programs, increase site management activities, require mitigation measures as necessary, require compliance monitoring, and provide technical support for enforcement actions by appropriate office. (Ongoing)
- o Regions will refer to the Office of Criminal Investigations matters involving knowing violations of MPRSA, including any suspected dumping of toxic or hazardous materials without a permit; and will provide technical support for criminal investigations and prosecutions in the ocean dumping area. (Ongoing)
- o Regions will review and make determinations on emergency ocean disposal permit applications. (Ongoing)

- o Regions will review COE public notices for ocean disposal permits for dredged materials for compliance with EPA ocean disposal criteria. (Ongoing)
- o Region II will continue impact monitoring for site management and for potential redesignation of the 106 Mile Site. (Ongoing)
- + o Region II will continue development of the New York Bight Restoration Plan, based on three year schedule developed in 1988, to complete schedule for pollution control implementation, recommend funding and interagency coordination, and prepare and submit preliminary report to Congress. (1st Quarter)
- + o Region II will continue development of the New York Mud Dump alternative site study with public review of the findings, and preparation of the Final EIS and the Final Rule, based on the three year schedule developed in 1988; and will prepare and submit annual report to appropriate Congressional committees. (1st Quarter)
- + o Regions will complete all initial 301(h) final waiver determinations; make determinations of secondary equivalency; evaluate monitoring programs to assure that POTWs implement approved monitoring programs, including appropriate quality assurance planning; and begin evaluations of permits expiring in 1991. (Ongoing)
- + o Regions, with HQ technical assistance, will implement 403(c) program strategy as stated in the 1989 report to Congress for bringing National Pollution Discharge Elimination System (NPDES) permits into compliance with 403(c) criteria. (Ongoing)
- o ORD will continue to develop methods for describing transport, transformation, bioavailability, and effects of contaminants discharged through ocean outfalls; and will provide technical assistance in support of the 301(h) and 403(c) programs. (Ongoing)

2. Near Coastal Waters (NCW) / National Estuary Programs (NEP)

The long-term strategy is to respond to conditions in near coastal waters and estuaries through a comprehensive geographic-based approach to assessing and solving identified problems and targeting environmental risk. In FY 1990, NCW priorities will be: to expand national assessment of environmental status and trends of NCWs with NOAA; to apply

assessment data in ongoing Agency programs; to use enforcement as a tool to correct identified problems, as appropriate; to complete 6 NCW pilot projects and to begin transferring innovative management and education and participation techniques; to continue to maintain and update national network for information exchange to transfer technologies about NCW problems, management tools and techniques to assist State and local decision-making; and to continue support, for the Gulf of Mexico Initiative, including continuing development of the "Framework for Action" and undertaking monitoring and data collection to evaluate Gulf's health and as basis for establishing policy/regulatory options.

The goal of NEP, as a national demonstration program, is to create a few successful model estuary projects and transfer technical, management, and community relations experience and expertise gained to States and local governments so they can be applied to other estuaries. The priorities for NEP are: to continue to support projects entering plan implementation phase; to continue to implement State/EPA Agreements for six 1985-86 estuary projects; to begin implementing State-EPA agreements for six 1988 estuary projects; to evaluate new estuary projects and convene management conferences in four new areas; to implement priority action plans for initial estuary projects funded in FY 1988 and FY 1989; and to continue all estuary projects consistent with national criteria and guidance.

Headquarters

- o HQs will continue to support integration of NCW initiatives into ongoing OW programs and recognition of NCW priorities in targeting OW programs through the NCW workgroup. (Ongoing)
- + o HQs will continue to maintain and update a network to exchange information for technology transfer about NCW problems, management tools and techniques to assist State and local environmental decision making. (Ongoing)
- + o HQs, with NOAA and regional assistance, will continue to develop and expand a national and regional baseline assessment of all NCWs to determine the nature and extent of environmental problems in NCWs nationally and locally. (Ongoing)
- N o HQs will assist Regions in development of management options and strategies, with public education and participation, for those NCW segments where the nature and extent of environmental problems has been assessed. (Ongoing)

- + o HQs, with cooperation of Regions, will continue support for twelve ongoing NEP projects and select four new NEP projects in FY 1990 under provisions of the CWA. (Ongoing)
- + o HQs will continue to develop program guidance and hold workshops, as needed, to address NEP implementation plans and program monitoring, including public outreach and awareness; and successful management strategies will be updated and presented in a Handbook of Management Strategies, a public finance primer, and other tools, to support implementation of Comprehensive Conservation and Management Plans (CCMPs). (Ongoing)
- + o HQs will manage interagency coordination, work with the Office of Federal Activities (OFA) to assure Federal project consistency, continue to implement inter-agency agreements with NOAA involving data management, problem assessment, coastal zone management (CZM) activities, and implement the CZM-EPA/NEP Agreement. (Ongoing)
- + o HQs will continue implementing an interagency agreement with NOAA governing NEP research and supporting NOAA near coastal waters problem assessments; and with NOAA assistance, begin to prepare report on NEP research for submission to Congress in the First Quarter of FY 1991. (Ongoing)
- + o HQs will continue oversight of six NCW pilot projects, including project monitoring, developing needed guidance, emphasizing the development, testing, and beginning to transfer technologies and community relations techniques. (Ongoing)
- N o HQs will initiate efforts with the Office of Ground Water Protection to develop mechanisms for incorporation of ground water components into all coastal and marine programs activities. (Ongoing)

Regions/States/Indian Tribes

- + o Regions will continue to manage NCW pilot projects, three initiated in FY 1988 and three selected in FY 1989, to test and refine innovative solutions to identified major coastal environmental problems. (Ongoing)

- N
 - o Regions will continue to exercise delegated authority to award and manage grants under the Near Coastal Waters and National Estuary Programs. (Ongoing)
 - o Regions will continue to assist in the nomination of new NEP projects. (Ongoing)
- +
 - o Regions will work with the four 1990 estuary projects on required activities in the planning initiative phase, including establishment of State(s) project offices and public participation programs. (Ongoing)
- +
 - o Regions will continue to assist participants in carrying out State/ EPA Conference Agreements in the six 1985-86 estuary projects and the six 1988 estuary projects. (Ongoing)
 - o Regions, with HQs assistance, will continue to develop/fund agreements with NEP participants from approved annual and five-year workplans and oversee the achievement of all workplan elements. (Ongoing)
 - o Regions will work with estuary projects to implement priority Action Plans funded in FY 1988/FY 1989. (Ongoing)
 - o Regions will continue to work with estuary projects to ensure that enforcement is used to improve water quality, as well as to support implementation of Action Plans and CCMPs. (Ongoing)
- +
 - o Albemarle/Pamlico Sounds project will implement data and information management system; complete a preliminary status and trends report further defining new environmental problems of the estuary; and begin to develop components of the CCMP. (Ongoing)
- +
 - o Buzzards Bay project will prepare a draft CCMP for review, which includes schedules, corrective actions, and funding options for each of the priority problems identified by the Management Conference; and the plan will be reviewed and revised to reflect comments by the public, State and local governments, and the business community. (Ongoing)
- +
 - o Long Island Sound project will complete a data and information management system feasibility study; complete final reports on status and trends, probable causes, and preferred uses; complete review of federal programs in the watershed for consistency with project

goals and objectives; and will complete a CCMP component dealing with the problem of hypoxia. (Ongoing)

- + o Narragansett Bay project will release a report characterizing the environmental problems of the estuary and defining the extent, severity, and causes of these problems; based on these findings, Action Plans will be prepared for each of the priority problems identified by the Management Conference; each Action Plan will include schedules; and define, in consultation with State and local jurisdictions, corrective actions required and cost estimates. (Ongoing)
- + o Puget Sound project will complete characterization of priority problem trends and causes; continue implementation of 1989 CCMP components and develop final draft CCMP; prepare biennial report monitoring effectiveness of management actions; and continue review of Federal programs in watershed for consistency with project goals and objectives and initiate consistency agreements with other Federal agencies. (Ongoing)
- o San Francisco Bay project will complete list of priority problems and probable natural/anthropogenic causes of spatial/temporal trends in Bay for extensive review by scientific and regulatory communities; continue to inventory monitoring programs in Bay and to review Federal programs in watershed. (Ongoing)
- N o The six 1988 estuary projects will complete lists of priority problems, collect information to determine most likely causes of those problems, and begin to develop data management systems. (Ongoing)
- + o Regions IV and VI will continue to develop the "Framework for Action" for the NCW initiative for the Gulf of Mexico, and undertake monitoring and data collection to evaluate the Gulf's health and also to conduct a public participation program as bases for establishing policy and regulatory options. (Ongoing)
- o ORD will continue to develop assessment methods for near coastal and estuarine waters, with emphasis given to: relationships and mechanisms controlling ecosystem recovery, development of biomarker assessment methods, assessment of eutrophication, and development of wasteload allocation models, and to provide technical assistance to the National Estuary Program. (Ongoing)

3. Chesapeake Bay Program

In FY 1990, focus will continue on implementation of 1987 Bay Agreement, including nonpoint source control programs through State grants, and assessment of toxics problems, including the impacts of pesticides.

Regions/States/Indian Tribes

- o Region III will continue working to integrate Bay Program activities into ongoing water management programs and continue to support public awareness activities throughout the Bay Basin. (Ongoing)
- o Region III will continue providing Bay States with technical assistance and support in maintaining data base and funding assistance for controlling nonpoint source pollution under CWA. (Ongoing)
- o Region III will continue supporting Bay States monitoring programs for Bay mainstream and key tributaries to assess water quality trends; and develop second generation Bay water quality models for assessing pollutant load reductions and evaluating efficiency of abatement programs. (Ongoing)
- + o Region III will continue to coordinate EPA and other Federal programs for surface water toxics and loss of environmentally sensitive areas. (Ongoing)
- o Region III will continue to guide and coordinate EPA, other Federal agencies, and State programs for nutrient reduction and toxics identification affecting Bay. (Ongoing)
- N o Region III will implement coordinated Federal Agency Workplan and Federal Facilities Strategy adopted in 1988. (Ongoing)
- + o Region III and Bay States will focus grant support on programs to meet nutrient and toxics reductions called for in 1987 Bay Agreement and will track progress. (Ongoing)
- N o Region III and Bay States will target facility inspections and enforcement actions on dischargers to the Bay mainstem and key tributaries. (Ongoing)
- + o Region III and Bay States will guide and coordinate toxic source reduction plans to implement 1987 Bay Agreement and CWA based on investigations of in-place

toxics in sediment, surface microlayer, and other nonpoint sources in response to 1988 Toxics Reduction Strategy. (Ongoing)

- o Bay States will report progress to Region III on implementing Bay interstate management plan; and Region III, in coordination with HQ, will prepare report to Congress as required by CWA. (Ongoing)

4. Great Lakes (GL) National Program

In FY 1990, the focus of the Great Lakes National Program Office (GLNPO) will be to coordinate the implementation activities of the revised Great Lakes Water Quality Agreement (GLWQA) with Canada, and the CWA requirements. This will include expanding the control of toxic pollutants by continuing the Assessment and Remediation of Contaminated Sediments (ARCS) program. The revised GLNPO Five Year Strategy (1989-1993) will serve as the guidance document for identifying GL Basin activities and resources, including public participation and outreach efforts.

International

- o GLNPO, with assistance from the Regions and the GL States, will coordinate and implement joint surveillance and monitoring plans for all appropriate media with Canada ensuring that the resulting data systems are compatible. (Ongoing)
- o GLNPO, in coordination with Canada and with cooperation from the GL States, will continue operating the GL Atmospheric Deposition (GLAD) network for monitoring toxic chemicals and nutrients and set up a U.S. master station for Lake Superior. (Ongoing)

Headquarters/GLNPO

- o GLNPO will continue to work with the Office of Water Regulations and Standards, the Regions and the GL States, GL Governors, and Indian Tribes to integrate the specific objectives (Annex 1) of the GLWQA into national criteria and State water quality standards to assure coverage of Critical Pollutants. (Ongoing)
- o GLNPO, with assistance from the COE, Fish and Wildlife Services (FWS) and Soil Conservation Service (SCS) the Regions and the GL States, will prepare a comprehensive annual report to Congress, identifying activities to improve the GLs, as required under CWA. (Ongoing)

- o GLNPO will work with the NOAA to prepare an annual joint GL research plan which identifies proposed research and assesses priorities. (4th Quarter)
- o Regions, with assistance from GLNPO and the Office of Wetland Protection, other Federal agencies, and the GL States, will complete the Great Lakes Basin Wetland Protection Strategy that includes appropriate inventories. (Ongoing)
- o GLNPO, Regions, GL States, and Indian Tribes will complete or update Regional and State/Tribe Monitoring Strategies to assure that source assessments and loading of pollutants to the Great Lakes are adequately addressed, and the Regional Strategies will include fish health monitoring programs. The GL States will report the monitoring results and maintain the data using Section 305(b) Reports or other reports as necessary. GLNPO and the Regions will evaluate the State Strategies and the State 305(b) reports. (Ongoing)
- o GL States, with assistance from the Regions and GLNPO will conduct point source biomonitoring and associated stream biosurvey programs. GLNPO will complete the program review on the biomonitoring and stream biosurvey programs. (Ongoing)
- o GLNPO will continue to work with the Water Management Divisions and Environmental Service Divisions of Regions II, III and V, GL States and Indian Tribes to ensure that the Great Lakes are addressed as priorities and to integrate GL activities and GL reporting requirements into ongoing water management programs and water quality management plans. (Ongoing)
- o GLNPO, with assistance from the Regions and the States, will implement the methodology to estimate total pollutant loads to individual Great Lakes. Regions and GL States will continue to investigate and report effluent concentrations and quantities of top priority compounds, including toxic pollutants, identified by the International Joint Commission and to complete process characterizations for appropriate industries. (Ongoing)
- o GL States will continue to implement phosphorus load reduction plans for Lake Erie, Lake Ontario, and Saginaw Bay, which are in aggregate the U.S. Phosphorus Reduction Plan and form the base for first

Five-Year Nutrient Plan required under the CWA. GLNPO will continue its tracking of the plan recommendations in reaching target loads, and review of the Nutrient Plan to ensure compliance with the CWA and the GLWQA. (Ongoing)

- o GLNPO, with input from Regions and GL States, will select sites and sponsor full-scale demonstrations at selected locations for ARCS program. GLNPO will begin a technology transfer program based on the results of the demonstrations. (Ongoing)
- o The Regions and GL States, with assistance from GLNPO, will determine groundwater flux and contaminant loading. This will include mapping hydrologic conditions around known and suspected sources of contaminated groundwater in the GL Basin. (4th Quarter)
- o GLNPO, jointly with the Regions and GL States, will develop LMPs for each lake as called for in the GLWQA, begin addressing Lakes Michigan and Erie this fiscal year; GL states will identify how their monitoring programs support development of LMPs, e.g., estimating and reporting total loadings of critical pollutants. (Ongoing)
- o The Regions and GL States will continue pollution control efforts in the 30 Areas of Concern (AOCs) by completing, implementing and updating Remedial Action Plans, including developing plans and measures to address in-place pollutants and combined sewer overflows. (Ongoing)
- o GLNPO will complete refitting replacement research vessel and outfit the vessel for toxic monitoring program and conduct lake surveys in open waters of the GLs. (4th Quarter)
- o Region II and the State of New York, in coordination with GLNPO, will continue to emphasize implementation of action plans and related U.S. Canadian initiatives for toxic monitoring and control programs for the Niagara River and Lake Ontario. (Ongoing)
- o ORD will continue to study the sources, fate and effects of toxic substances in the Great Lakes, with emphasis given to the development of mass balance models, evaluation of the impacts of in-place pollutants, and development of methods to evaluate the

performance of confined disposal facilities for dredged material; and technical assistance will also be provided.

5. Lake Management

States and Indian Tribes treated as States will continue to develop and improve lake management systems that focus on control of point and nonpoint source pollution. The WQA gives States and Indian Tribes treated as States the opportunity and the flexibility to design and implement Clean Lakes programs as part of an overall State Clean Water Strategy, which unifies and integrates the entire approach to water quality protection and clean up. The Clean Lakes program should continue to be integrated with other program activities (e.g., nonpoint source, estuaries, stormwater, permit, groundwater, toxic pollutant controls, state revolving funds and wetlands protection), and employ a targeted geographical approach similar to the approaches utilized in other programs.

Headquarters

- o Headquarters will promote the attainment of CWA goals through other Federal activities related to lakes, such as those undertaken by SCS, FWS and COE. (Ongoing)
- o Headquarters will develop funding criteria, review State and Indian Tribes treated as States project proposals submitted through Regions and, as resources allow, make funds available to Regions for grants to States and Indian Tribes treated as States. (Ongoing)
- o Headquarters will develop general guidance for Indian Tribes treated as States on Clean Lakes issues. (Ongoing)

Regions/States/Indian Tribes

- o States and Indian Tribes treated as States will continue to develop a comprehensive data base of information regarding lake water quality status and trends. (Ongoing)
- o States and Indian Tribes treated as States will also continue to improve lake water quality assessments. This includes developing lists of publicly owned lakes for which uses are known to be impaired or threatened and lakes known not to meet applicable water quality standards and entering this information in the Waterbody System and reporting the information in 305(b) reports. (Ongoing)

- o Regions and Headquarters will provide technical assistance and transfer of technical and educational information to and among the States and Indian Tribes treated as States that emphasize lake management, lake restoration/protection, and acid mitigation/toxic pollutant control. (Ongoing)

6. Wetlands Program

In FY 1990, as EPA moves ahead to implement requirements of the CWA and the Action Plan in response to the National Wetlands Policy Forum, focus will be on integrating objectives of each of the OW programs by developing comprehensive, geographic scale approaches for addressing water quality management and resource protection issues. Initiatives to protect wetlands will complement activities associated with nonpoint source pollution abatement, estuaries and near coastal waters efforts, clean lakes and other surface water protection programs as well as groundwater protection programs. The wetlands program will also implement action plans developed in FY 1989 to support the Agency's National and Coastal and Marine Policy.

Activities will dovetail with implementation of section 404 responsibilities including: 1) interpretation of section 404(b)(1) Guidelines; 2) prohibition or restriction of discharge sites under section 404(c) where unacceptable adverse environmental effects are projected; 3) review of the approximately 10,000 section 404 permit applications received each year by the COE, proposed COE civil works projects, and associated EISs; 4) ensuring appropriate determination of jurisdictional limits of waters of the U.S.; 5) transfer of the 404 program to qualified States and Indian tribes providing oversight of approved programs; 6) interpretation of statutory exemptions under section 404(f); 7) implementation of EPA enforcement authorities against unauthorized dischargers, including new administrative penalty authority under the WQA; and 8) review and comment on all Federal agency proposed regulations which may affect section 404 implementation and on EISs for other major Federal actions that may directly or indirectly affect wetlands.

EPA's activities will be guided overall by the Agency's policy goal of seeking to achieve no overall net loss of the nation's wetlands in the short-run and seeking to increase the quality and quantity of the wetlands resource base in the longer run.

Headquarters

- + o EPA developed and issued an Action Plan in January 1989 in response to the recommendations of the National Policy Wetlands Forum. The Action Plan focuses on those generally short term actions that respond to the many recommendations for public and private sector actions. Paramount among EPA's commitments is the endorsement of the Forum's goal of no overall net loss of the nation's remaining wetland base, as defined by acreage and function, to restore and create wetlands where feasible, and to increase the quality and quantity of the nation's resource base. HQs will work with other interested parties and through the National Wetlands Policy Forum implementation group to develop the necessary conceptual and procedural framework for attaining the national goal of no overall net loss of wetlands. (Ongoing)

- + o HQs will continue to refine and develop policy guidance and technical methodologies for the section 404 program. In particular, a policy on mitigation and guidance on alternatives analysis will be made available for use by the Regions before or during FY 1990. HQs will also continue to provide training opportunities and technical assistance to Regions to improve effectiveness and consistency in implementing new regulatory policies and methodologies; however, HQs and Regions will work together to gradually shift the lead for State, local, and other field training to the Regions. (Ongoing)

- o HQs and Regions will continue an emphasis on ecosystem initiatives to address broad scale, persistent or expected wetlands loss problems. This approach is designed to deal with geographic scale, persistent wetlands issues that may cross Regional boundaries and that have not been effectively addressed through the section 404 program. Anticipatory approaches such as advance identification and greenways/river corridor management plans may be used to resist wetland losses. During FY 1990 HQs, in conjunction with the appropriate Regions, will place particular emphasis on wetlands loss and management problems in western riparian and coastal Louisiana ecosystems. (Ongoing)

- o HQs will continue to work with ORD to attempt to develop appropriate water quality standards for wetlands, to improve tools for the States' use of section 401 water quality certification processes, and

to disseminate the technology and information produced as a result of EPA's Wetlands Research Program.
(Ongoing)

- + o HQS will work with other Federal agencies, Regions, State and local governments, Indian tribes as well as the private sector to implement recommendations provided by the National Wetlands Policy Forum.
(Ongoing)
- + o HQS will pursue means to strengthen intra-agency coordination by integrating wetlands protection objectives into guidance and regulations of other Agency programs. In particular, HQs will seek opportunities for integrating wetland and nonpoint source objectives through the nonpoint source agenda, implement improved test methods and procedural guidance on sediment criteria and disposal of dredged material in coastal waters, and encourage use of section 401 water quality certification processes.
(Ongoing)
- o HQS will continue to develop and disseminate to States, Indian tribes, and local governments, information, data and methods useful to them in the development and operation of wetlands protection programs. Key items will include guidance for State wetlands conservation plans (a Forum recommendation) and model local ordinances. (Ongoing)

Regions/States/Indian Tribes

- + o Regions will assist State, Indian tribes and local governments in improving effectiveness of wetlands protection programs. Assistance will come primarily in the form of information transfer and will involve both section 404 and non-section 404 related approaches including public outreach efforts, additions to the wetlands science technical information base, and interagency coordination. Regions should assist States and Indian tribes in assessing the status and trends of wetlands losses for incorporation into the FY 1990 section 305(b) report.
(Ongoing)
- + o Regions will integrate more effective use of the section 401 water quality certification process into State and tribal water quality management planning for activities involving discharges in wetlands. States will be required to improve their section 401 certification process consistent with new or revised section 401 guidance. EPA will assist States in

strengthening water quality standards towards improved wetland protection. Under the section 401 water quality certification process, States or tribes must notify the COE whether a proposed dredged or fill material discharge will violate existing State or tribal water quality standards before a 404 permit may be issued. If correctly implemented, this process can effectively contribute to addressing water quality concerns associated with dredge or fill and other discharges into wetlands. (Ongoing)

- + o Regions will seek opportunities to design and carry out strategic initiatives aimed at complementing formal regulatory actions, including participation in comprehensive, natural resource planning efforts, ecosystem/geographic initiatives, targeted enforcement initiatives, public education campaigns, or support of critical research and development activities. (Ongoing) [SPMS]

- + o Regions will continue to actively utilize EPA's civil and criminal enforcement authorities in order to ensure deterrence of inappropriate behavior and, where possible, remediation of environmental damages and will increase EPA enforcement presence through effective implementation of EPA's administrative penalty authority established under the WQA. EPA's enforcement activities will be coordinated with COE enforcement activities in accordance with procedures outlined in the EPA/COE Enforcement Memorandum of Agreement (MOA). Regions will develop appropriate agreements with Corps field offices and State, Tribal or local governments to further the attainment of enforcement goals. (Ongoing) [SPMS]

- o Regions will continue to actively address wetlands loss problems through implementation of the section 404 regulatory program. This will be accomplished through review of section 404 permit applications proposed COE civil works projects, associated environmental assessment documents, and coordination with the COE. For significant cases, Regions may invoke the dispute resolution process outlined under the section 404(q) MOA between EPA and COE or use EPA's section 404(c) authority to prohibit or restrict use of a wetland site for discharge of dredged or fill material. (Ongoing)

- + o Regions will work with States, Indian tribes, other Federal agencies, and other interested groups to actively support wetland restoration efforts, both in the context of comprehensive restoration/enhancement

programs (for example, the "MARSH" program of Ducks Unlimited). Regions will assist States and Indian tribes in evaluating the relative successes of wetlands restoration and creation efforts as part of a comprehensive program to attain the national short-and long-term goals. (Ongoing)

- o Regions will actively implement programs to inform public and targeted interest groups of values associated with wetlands and EPA's role in protecting them. Information will be tailored to needs and interests of target audiences including developers; farmers; State, tribal, and local governments; environmental and citizens groups; educational institutions; and fishing and hunting interests. Regions will develop public information/out-reach programs, with special emphasis on priority wetlands. (Ongoing)
- o Regions should actively participate in appropriate State, tribal and local actions having objectives consistent with EPA wetlands program goals. Among others these would include greenway and river corridor management plans, habitat conservation plans, special area management plans, State water quality management plans, nonpoint source and stormwater management plans, and clean lakes plans. (Ongoing)

C. PROTECTING SURFACE WATER-ACTIVITIES

1. Water Quality Standards

The goal of the water quality standards program for FY 1990 is to complete the objectives established for the FY 88-90 triennium. These objectives ensure that States and Indian Tribes treated as States address toxic pollutants and toxicity and establish the appropriate objectives (including a technical assistance and training plan) for the FY 91-93 triennium. States will identify stream segments where the discharge or presence of 307(a) priority pollutants could reasonably be expected to interfere with the attainment of designated uses and adopt numeric criteria for 307(a) priority pollutants in water quality standards in accordance with EPA's "Guidance for State Implementation of Water Quality Standards for CWA Section 303(c)(2)(B)" issued December 12, 1988. In accordance with previous Agency Operating Guidances, States should have completed the standards related actions that resulted from the FY 1988 State Toxic Program Reviews (e.g., adopting numeric procedures to implement the narrative toxic standard for whole effluent toxicity). States must also develop and implement antidegradation policies and procedures and, working with EPA, establish the framework for the

development of national program objectives for the FY 91-93 triennium. EPA will assist States and Indian Tribes treated as States in these efforts by: providing technical assistance and guidance; conducting outreach programs designed to provide support for the adoption of numeric criteria for 307(a) priority pollutants in water quality standards; and reviewing water quality standards to ensure compliance with the Clean Water Act (CWA) and with the Water Quality Standards (WQS) regulation.

By the end of the FY 88-90 triennium, States should have completed adoption of numeric criteria to meet the section 303(c)(2)(B) requirements. States should also complete antidegradation procedures and adopt numeric procedures to implement the narrative toxic standard for whole effluent toxicity by that time.

For the FY 91-93 triennium, EPA envisions the following to be the water quality standards program objectives: 1) coordinate the requirements of sections 303(c) and 304(l) of the CWA, 2) establish water quality standards for wetlands, marine waters, and estuarine systems, 3) adopt sediment criteria for toxic pollutants, 4) adopt biological criteria (bio criteria) in water quality standards, and 5) integrate water quality standards and nonpoint source controls.

EPA will continue to develop information on toxic/hazardous pollutants (beyond the 126 priority pollutants), with emphasis on bioaccumulative pollutants. EPA will improve regulatory controls to reduce toxic pollutants in sediments; study ways to implement water quality standards for control of nonpoint source pollution; and study the need for the development of biological criteria.

Headquarters

- + o Headquarters will develop: fresh water/marine water criteria/advisories, sediment criteria, and toxicity testing methods used to develop water quality-based controls; analytical techniques; tests/procedures/methods for deriving sediment criteria; guidance on applying biological criteria; and guidance on applying narrative, numeric, and biological criteria to water quality standards for nonpoint source pollution. Headquarters will continually update published criteria/advisories for human health protection based on reference dose factors and cancer potency. (Ongoing)
- + o Headquarters, with Regional support, will assist Indian Tribes treated as States to establish WQS and provide technical assistance on water quality standards program requirements. (Ongoing)

- o Headquarters will promulgate WQS for States that fail to establish WQS that meet the requirements of the CWA. (Ongoing)
- + o Headquarters will work with Regions, States, and Indian Tribes treated as States to develop national program objectives and guidance, as needed, for the FY 91-93 triennium and will issue a revised Water Quality Standards Handbook. Specific objectives and guidance are highlighted in the "Framework for the Water Quality Standards Program." (Fourth quarter)
- o Headquarters, with participation of the Regions and States, will continue to implement the Actions Plans developed in 1989 to support the Agency's National Coastal and Marine Policy. (Ongoing)

Regions/States/Indian Tribes

- o States, as a part of a triennial review, will revise water quality standards by adopting either numeric criteria for section 307(a) priority pollutants or a procedure applied to a narrative criterion that results in derived numeric criteria or both in the standards. (Second and Fourth quarters) [SPMS]
- o Regions will work with States to ensure that policies and procedures for implementing EPA's antidegradation policy for both point and nonpoint sources of pollution are clearly documented. (Ongoing)
- o Regions will work with States to revise existing water quality standards for non-toxic pollutants to reflect latest available scientific information in section 304(a) criteria recommendations. (Ongoing)
- o Regions will review State water quality standards and emphasize the adoption of numeric criteria for section 307(a) priority pollutants in the standards. (Ongoing)
- N o Regions will provide assistance to States that are prepared to initiate water quality standards development based on the objectives envisioned for FY 91-93, as necessary. (Ongoing)

2. Water Quality Monitoring and Analysis

EPA and States will focus on implementation of the pollutant identification and control provisions of section 304(1) of the CWA, as amended, and on upgrading and strengthening monitoring

and assessment programs based on State Action Plans developed in FY 1988 and FY 1989. States will submit updated §304(1)/303(d) lists of impaired waters to EPA for approval as part of the 1990 §305(b) reports. As necessary, EPA will complete approval/disapproval actions on 304(1) lists submitted in FY 1989, including any required promulgations.

EPA and the Regions will work with States to improve the quality and timeliness of the 1990 305(b) reports and to implement the 1990 305(b) Guidelines. Based on the results of the first phase of the 1989 bioaccumulation study, the Agency working with States will design a second phase (including appropriate quality assurance) in 1990 to investigate high priority problem areas by monitoring pollutants in both water columns and sediments. Sampling will also be conducted to determine the nature of the sediment contamination problems at sites where the accumulation of toxic pollutants is a suspected cause of adverse impacts on aquatic life. EPA will also produce guidance on reducing health risks from fish consumption. To implement the long-range program for toxic pollutant identification and control, EPA will work with the States to collect data on impacted or threatened waters and to implement relevant portions of State Action Plans for water quality monitoring programs (including toxicity testing and ambient biosurveys). To strengthen State and Regional water quality monitoring and assessment programs, EPA will continue to work with the States to implement the recommendations of the Surface Water Monitoring Study and the National Symposium on Water Quality Assessment completed in FY 1988. Actions include issuing guidance on monitoring methodologies, accelerating use of biological techniques, increasing ambient follow-up monitoring, promoting uses of existing data, and improving data integration. States will use the results of the 1989 National Symposium on Water Quality Assessment to continue to evaluate and to strengthen State programs in 1990.

In response to the Surface Water Monitoring Study recommendations, the Steering Committee on Water Quality Data Systems was formed in FY 1988. In FY 1990, the Steering Committee will oversee implementation of improvements in water quality data management to: 1) enable integration of Agency data bases for water quality analyses and technology transfer applications and 2) modernize data systems. Regions will continue to assist in developing complex wasteload allocations and in carrying out targeted water quality monitoring studies to support NPDES permits and other control activities.

Headquarters

- + o Headquarters will continue to provide oversight, guidance and assistance to Regions and States to ensure submission of §304(1)/303(d) lists of impaired

waters and sources/ amounts of toxic pollutants as part of the biennial Section 305(b) reports due April 1, 1990. (Ongoing)

- N o Headquarters will continue to provide technical assistance to States and Regions in developing total maximum daily loads (TMDLs), wasteload allocations (WLAs), and load allocations (LAs) with an emphasis on coastal/marine areas. (Ongoing)
- o Headquarters will work with Regions and States to operate and enhance the Waterbody System to document progress toward assessing and cleaning-up waters. (Ongoing)
- o Headquarters will continue to lead the effort to implement recommendations of the Surface Water Monitoring Study by developing appropriate guidance to strengthen State and Regional programs, including a five-year monitoring framework. (Fourth quarter)
- N o Headquarters will develop guidance on monitoring for use by Indian Tribes treated as States. (Ongoing)
- N o Headquarters will work with the Regions to ensure they conduct reliable bioassessments, including both toxicity testing and biosurveys with appropriate data quality assurance/quality control, and that Regions evaluate the results of bioassessments performed by the States and Indian Tribes treated as States. (Ongoing)
- N o Headquarters will revise the Technical Support Document on water quality-based toxic pollutant controls based on the results of the 1988 Williamsburg conference. (Second quarter)
- + o Headquarters and the Regions will continue to conduct high priority water quality investigations (e.g., sediment contamination study, aquatic life survey, bioaccumulation study, and special regional studies) and take appropriate follow-up actions (Ongoing). Draft guidance will be developed linking sediment contamination and bioaccumulation problems (Fourth quarter).
- N o Headquarters will lead the effort to implement data management recommendations of the Surface Water Monitoring Study by guiding and overseeing improvements in data systems through the Steering Committee for Water Quality Data Systems. (Ongoing)

- o Headquarters will develop the design for the Aquatic Life Survey. (Fourth quarter)
- o Headquarters will assist in the compilation and integration of data from other Federal Agencies. Headquarters and Regions will also provide assistance to the States in interpreting available data. (Ongoing)
- o Headquarters, with participation of the Regions and States, will continue to implement the Action Plans developed in 1989 to support the Agency's National Coastal and Marine Policy. (Ongoing)

Regions/States/Indian Tribes

- o Regions will assist States, as needed, to develop WLAs/TMDLs used as the basis for NPDES permits and individual control strategies. Regions will review and approve WLAs/TMDLs. (Ongoing)
- + o Regions will work with the States to ensure submission by April 1, 1990, of 304(1)/303(d) lists of impaired waters and sources/amounts of toxic pollutants discharged. Regions will review and approve/disapprove lists. (Quarterly) [SPMS]
- N o Regions will complete promulgations of 304(1) lists for States for which 304(1) lists are disapproved by EPA and for States that do not submit 304(1) lists. (Quarterly) [SPMS]
- o Regions will provide assistance to Indian Tribes treated as States who want to establish monitoring programs. (Ongoing)
- N o Regions will assist Headquarters by initiating sampling to determine the nature of sediment contamination problems at selected sites. (Ongoing)
- N o Regions will assist Headquarters to improve water quality data systems by continuing to participate on the Steering Committee for Water Quality Data Systems. (Ongoing)
- o Regions will work with States to collect data in fresh and coastal waters to identify changes in water quality and to provide a reasonable basis for identifying/solving cases of impairment. (Ongoing)

- o Regions and States will continue to evaluate waters to determine if numeric criteria for the 307(a) priority pollutants are needed to protect designated uses. (Ongoing)
- + o Regions will work with States to ensure implementation of the section 305(b) Waterbody System or a compatible State data system. (Ongoing)
- o Regions will work with the States to implement specific State Action Plans negotiated in FY 1988 and FY 1989 to strengthen toxic pollutant control programs. (Ongoing)
- + o Regions will work with the States to ensure the quality and timeliness of the 1990 305(b) reports and to encourage compliance with EPA guidelines including use of the Waterbody System or compatible data system. (Fourth quarter) [SPMS]
- o Regions, States, and Indian Tribes treated as States will develop section 106 work programs with specific actions that support baseline monitoring programs and begin to implement the recommendations of the Surface Water Monitoring Study by evaluating and upgrading monitoring and assessment capabilities and by working to improve the access, use, sharing and integration of data. (Ongoing)
- N o Regions will work with the States to ensure that reliable bioassessments, including both biosurveys and toxicity testing with appropriate data quality assurance/quality control, are conducted. (Ongoing)
- N o Based on results of the first phase of the bioaccumulation study, Regions will assist States in developing TMDLs/WLAs/LAs and risk assessments, as needed. (Ongoing)

3. Water Quality Management

Water Quality Management (WQM) plans, State Clean Water Strategies (where developed), Water Quality Inventories (305(b) report), and Continuing Planning Processes under section 303(e) of the Act provide the framework to identify water quality problems, establish priorities, and develop control actions contained in annual grant work programs. WQM plans serve as the focal point for integration of all CWA program components (i.e., point and nonpoint sources, clean lakes, wetlands, estuaries, and near-coastal waters). Water Quality Management plans should be updated as necessary to reflect new water quality information and

management actions (e.g., monitoring, assessment and control actions developed under sections 304(1) and 319 of the Clean Water Act).

The 1987 Water Quality Act provides revised funding and eligibility requirements that expand Regional, State, and Indian Tribes treated as States opportunities for funding WQM program activities. Nonpoint source section 319(h) implementation activities funded from reserves under section 205(j)(5) are eligible for funding under the State Revolving Fund and the Governor's discretionary fund under section 201(g)(1)(B) of the Act. Water quality planning activities can be funded from reserves under sections 205(j)(1) and 604(b). As in FY 1989, States and Indian Tribes treated as States are required to pass-through 40 percent of these 205(j)(1) and 604(b) funds to Regional Public Comprehensive Planning Organizations (RPCPOs) and Interstate Organizations (IOs). Additionally, Regions, States, and Indian Tribes treated as States should carefully review funding availability and matching, level-of-effort, and eligibility requirements when annual priorities and grant work programs are negotiated.

Prior to initiating FY 1990 grant work program development, States and Indian Tribes treated as States should review the national priorities highlighted in this document and any Regional guidance tailored to individual State and Indian Tribes treated as States. Grant work programs must contain realistic activities based on past and anticipated performance. Proposed activities contained in the grant work programs must specify: (1) the exact work to be accomplished within the budget period (for both Federal and non-Federal funding); (2) the interrelationships with other water quality management grant programs; (3) the outputs or products to be accomplished, including schedules and milestones (e.g., number of permits issued, intensive surveys conducted, etc.); and (4) the costs (dollars and work years) for completing each activity.

In accordance with the Agency's policy on Performance-Based Assistance, the Regions must monitor the performance of States and Indian Tribes that receive a Federal grant throughout the year and conduct a minimum of one on-site (mid-year) evaluation. Written reports are required to document evaluation findings and follow-up actions. Copies of these reports should be available for Headquarters' review upon request. The Performance-Based Assistance policy also provides for the use of incentives and sanctions in response to grantee performance. Sanctions should be based on the severity and extent of the performance problem and should reflect the expectations defined in the original program.

Headquarters

- o Headquarters will continue to provide: (1) assistance by developing regulations, guidance and policy for CWA program grants; (2) budgetary support for OWRS grant programs; and (3) annual funding allocations under sections 106, 205(j)(1), 205(j)(5), 314, 319(h)(if appropriated), 604(b), 201(g)(1)(B) and 603(c). (Ongoing)
- + o Headquarters will continue national grant program oversight, conduct detailed reviews of specific grant issues, assist in the resolution of issues, and track grant and financial data for all OWRS programs. (Ongoing)

Regions/States/Indian Tribes

- + o States and Indian Tribes treated as States will update WQM plans where required by law to reflect problem assessments and control actions under sections 304(1) and 319 and to address the integration of CWA program activities (e.g., point sources, nonpoint sources, clean lakes, wetlands, estuaries and near coastal waters). (Ongoing)
- o Regions will provide funding targets and guidance for negotiating grant work programs consistent with Agency priorities and State/Indian Tribes treated as States specific needs. Work programs must be developed and reviewed in a coordinated manner to ensure consistency with all CWA program requirements. (Ongoing)
- + o Regions will ensure that grant conditions and eligibility requirements are met prior to awarding grants (i.e., level-of-effort requirements under sections 106 and 319, matching requirements under section 319, and the 40 percent pass-thru requirements under 205(j)(3) to RPCPOs/IOs). (Ongoing)
- o Regions, States, and Indian Tribes treated as States will develop work programs with realistic and quantifiable output commitments consistent with EPA's Policy on Performance-Based Assistance. (Ongoing)
- o Regions will evaluate grantee performance to ensure that outputs are produced in a timely manner and are of high quality. Regions will take appropriate actions to improve performance, if necessary. Regions will provide timely review and comment on all outputs to enhance grantee performance. (Ongoing)

- o Regions will provide assistance and oversight to Indian Tribes treated as States that receive program grants under the CWA. (Fourth quarter) (SPMS)

4. Nonpoint Source

In FY 1990, EPA and States will oversee implementation of approved Nonpoint Source (NPS) Management Programs. Some work will be required to update and strengthen NPS Assessments as agreed upon by the States and Regions during review and approval of first-round Assessments. EPA will also assist States in obtaining full approval of Management Programs or portions of those Programs. Primary attention will shift, however, to implementation activities. EPA will work with States to initiate and continue implementation of controls both in targeted watersheds and Statewide. Special emphasis will be given to protecting critical aquatic habitats in near-coastal waters whenever consistent with priorities. Limited grant funds will be used to support NPS demonstration projects, especially in near-coastal waters.

EPA will conduct technology transfer workshops and provide site-specific consultations to disseminate information on innovative NPS control and assessment methodologies and management techniques. EPA will continue to work with other Federal agencies and to coordinate internally to ensure maximum leveraging of NPS related programs and resources to accomplish water quality objectives. EPA will initiate a national outreach program designed to educate local decision-makers and the public about NPS pollution problems and to strengthen support for implementation of State NPS Management Programs.

EPA will submit to Congress a final report on the implementation of section 319 of the Clean Water Act, as amended, including recommendations for legislative changes needed to accomplish the objectives of section 319. EPA will also assist States to ensure that Federal programs and projects are fully consistent with approved State NPS Management Programs.

Headquarters

- + o Headquarters will continue to provide guidance and policy to resolve issues arising from State implementation activities and to oversee program management by the Regions, including the award and management of State and Indian Tribes treated as States grants. (Ongoing)

- + o Headquarters will conduct technology transfer workshops and provide technical consultations for the Regions and States and will develop and distribute analytical techniques and other tools needed by the States, localities, and landowners to evaluate and implement NPS controls, with special emphasis on near-coastal waters. (Ongoing)
- + o Headquarters will continue to work with other Federal agencies and with other EPA programs to ensure that programs, authorities, and resources are effectively leveraged to support implementation of State NPS Management Programs. (Ongoing)
- N o Headquarters will work with the Regions and other Federal Agencies to develop and initiate an outreach program to educate State and local decision-makers and the public about the nature and extent of NPS pollution and to obtain support for State and local implementation of NPS controls. (Ongoing)
- N o Headquarters will work with Federal Agencies whose programs or projects have been identified by a State as inconsistent with the State NPS Management Program to ensure that necessary modifications are made to make those programs or projects consistent with the State NPS Management Program. (Ongoing)
- N o Headquarters will initiate efforts with the Office of Groundwater Protection to develop a mechanism for incorporating groundwater protection components into nonpoint source program activities. (Ongoing)
- o Headquarters will issue a final 319 Report to Congress detailing the activities, successes and lessons learned from section 319 efforts and make recommendations for future directions to control NPS. (Second quarter)
- o Headquarters, with participation of the Regions and States, will continue to implement the Action Plans developed in 1989 to support the Agency's National Coastal and Marine Policy. (Ongoing)

Regions/States/Indian Tribes

- N o Regions will help States obtain approval of remaining elements of the State NPS Management Program. (Ongoing)

- + o Regions will negotiate grant work programs and award and manage grants to States for the implementation of approved State NPS Management Programs. (Ongoing)
- + o Regions will assist States to leverage other Federal and EPA programs to support NPS implementation activities. (Ongoing)
- N o Regions will support technology transfer and outreach activities to improve technical expertise on NPS pollution and to enhance public support for NPS controls at the State and local level. (Ongoing)
- + o States will implement approved NPS Management Programs and portions of those programs. (Second and Fourth quarter) [SPMS]
- o States will continue to implement components of the U.S. Phosphorus Reduction Plan for Lakes Erie and Ontario and Saginaw Bay. (Ongoing)
- N o Regions will assist Indian Tribes treated as States who want to develop NPS Assessments and Management Plans. (Ongoing)

5. NPDES Permitting

In FY 90, EPA and States will: continue aggressive programs to control toxic discharges to surface waters through the NPDES program; emphasize permit reissuance in near coastal waters to protect critical aquatic habitats; begin control of sludge disposal through permits; reissue NPDES permits to reflect new effluent guidelines, and deal with water quality problems from stormwater by implementing the stormwater application regulations and the combined sewer overflow national strategy. In FY 90, EPA will continue to work with States, professional trade associations, and local officials to define outreach needs and develop tools to meet those needs.

EPA, having disapproved certain State section 304(1) submittals for individual control strategies (ICS) in FY 89, will complete the section 304(1) process in FY 90 by establishing ICSs for those listed permittees by June 1990. In addition to section 304(1) activities, which deal with known problems, the Regions and States will continue to work on broader toxicity control issues through the NPDES permit program. States and Regions will reissue permits to include, as appropriate, whole effluent and chemical specific toxicity based limits, toxicity reduction evaluations, compliance schedules, biomonitoring, and revised local pretreatment programs. Regions with coastal dischargers will accelerate action on permitting these facilities in accordance with EPA's near coastal waters initiative. Administering agencies will also reissue and/or modify permits to

implement BAT guidelines for organic chemicals to achieve compliance as soon as possible. Municipal permits will be reissued that incorporate sludge requirements and needed revisions to pretreatment implementation requirements.

In FY 90, NPDES permitting authorities will continue to issue permits which implement EPA's interim permitting strategy for sludge use and disposal pursuant to section 405(d)(4) of the WQA of 1987. Prior to promulgation of the technical standards, EPA generally will defer to State sludge permitting efforts wherever they exist, and will focus on appropriate monitoring requirements, along with compliance with existing sludge standards. For priority sludge facilities, EPA and States will take appropriate permitting and enforcement actions to address the concern. When the technical criteria regulations are promulgated, NPDES permits implementing those criteria must be issued to all covered POTWs unless the requirements are covered in another permit issued under an approved State permit program. Consistent with the 1987 WQA, EPA Headquarters will develop regulations and guidance on: new permit application and control requirements; antibacksliding; FDF variances; variances for non-conventional pollutants (ammonia, chlorine, color, iron, and total phenols); and other new permit related authorities. Regions and States will modify certain permits to reflect new authorities (e.g., coal remining).

Stormwater application regulations and guidance will be issued final in FY 90. The regulations will cover discharges associated with industrial activities and municipal separate storm sewer systems serving populations of 100,000 or more. Industrial and municipal dischargers will begin to prepare permit applications (due to EPA and States one year after regulations are promulgated). The national permitting strategy for combined sewer overflows (CSO) issued in FY 89 will require EPA and State permit strategies in FY 90. New CSO permits will need to be issued as well as modifications to existing CSO permits.

In FY 1990, the Regions and States will continue to implement the RCRA corrective action process begun in prior years. Regions will review CERCLA and RCRA remedial actions involving discharges to surface waters or POTWs to ensure that appropriate technology and water quality limits are met.

Headquarters

- + o Headquarters will provide technical assistance and training for permit writers, and contract assistance to develop permits, ICSs and other high priority water quality-based permits and will continue to provide oversight, and guidance to Regions/States to complete the toxics activities noted above. (Ongoing)

- o ORD will continue to support toxicity reduction evaluation procedures for the development of water quality based permit limitations for municipalities and technology based limits for industries. Information will be developed on treatability of RCRA wastes that will be useful in predicting effluent concentrations, POTW pass-through and potential water quality problems. (Ongoing)
- N o Headquarters will issue guidance on permitting procedures covering aspects of human health issues, which will be used in conjunction with any additional guidance available on bioaccumulation and drinking water contamination. (Second Quarter)
- N o Headquarters will issue final State sludge program guidance. Also, with promulgation of the section 503 sludge technical criteria, Headquarters will develop draft guidance for writing permits to implement the section 503 criteria. (Third Quarter)
- N o Headquarters will work with the Regions and States to complete the major/minor permit reclassification effort. (First Quarter)
- N o Headquarters will provide technical assistance to Regions and States in evaluating permittee procedures/techniques for toxicity reduction evaluations. This assistance may include guidance documents and memoranda, use of the National Effluent Toxicity Assessment Center (NETAC), contractor assistance and training. (Ongoing)
- N o Headquarters, with participation of the Regions and the States, will continue implementation of the Action Plans developed in 1989 to support the Agency's National Coastal and Marine Policy. (Ongoing)
- N o Headquarters will update and revise the Technical Support Document in the following major areas: effluent characterization, exposure assessment/wasteload allocation, permitting and human health. (Second Quarter)

Regions/States/Indian Tribes

- o Regions/States will reissue all major permits expired or expiring in FY 1990. (Ongoing) [SPMS]
- + o Regions will issue by 6/4/90 ICSs to facilities listed by the Region in the section 304(1) disapproval process as requiring ICSs. (Third Quarter) [SPMS]

- + o Regions/States will reopen permits for organic chemical plants, bleached kraft pulp mills, and others to incorporate technology-based and water quality-based limits based on studies required at the time of permit issuance, and will modify other major permits as needed to impose necessary and appropriate toxic controls. There will be more focus on developing limits to protect human health. (Ongoing)
- + o Regions/States will follow the interim sludge permitting strategy by including sludge monitoring and existing national sludge regulatory requirements in NPDES and State sludge permits. (Ongoing) [SPMS]
- o Regions/States will implement the RCRA permit-by-rule requirement and establish corrective action requirements where necessary for POTWs that are receiving hazardous wastes not mixed with domestic sewage. (Ongoing)
- N o Regions/States will prepare permit strategies addressing all CSO discharges by January 15, 1990. (Second Quarter)
- N o Regions/States will focus increased attention on permit issuance to NPDES permittees discharging to marine/estuarine waters, especially to control the discharge of bioaccumulative and persistent toxicants. (Ongoing) [SPMS]

6. NPDES Enforcement

The goals for the NPDES enforcement program in FY 90 are to expand upon the success of the National Municipal Policy by ensuring continued municipal compliance and to increase our enforcement presence in emerging program areas such as toxic controls and sludge. Specifically, in the municipal area emphasis will shift from construction of facilities to improving compliance of constructed facilities with final effluent limits. EPA will develop a Municipal Compliance Maintenance Strategy which will provide guidance for identifying the cause(s) of POTW noncompliance through diagnostic inspections and establishing compliance correction plans utilizing section 308 letters, administrative orders, or where necessary judicial actions.

In support of this municipal compliance emphasis, EPA will increase attention to the enforcement of pretreatment implementation requirements for POTWs, improve monitoring/inspections to evaluate compliance with toxic requirements in NPDES permits, and increase the use of diagnostic inspections and tracking to identify and correct chronic noncompliance. Administering agencies will coordinate

pretreatment and municipal enforcement actions so that, when an action is taken in response to noncompliance in one program, consideration is given to the other.

In FY 90, the enforcement program will become more involved in emerging program areas. EPA will place a high priority on identifying and enforcing toxic permit requirements. EPA, in cooperation with the States, will implement the Compliance Monitoring and Enforcement Strategy for Toxics Control. The strategy focuses on inspections to monitor acute and chronic toxicity; criteria targeting enforcement responses to violations that pose the greatest potential risk to aquatic life and human health; lab performance evaluation criteria for toxicity analysis; and an updated DMR/QA program to meet new and expanded needs for toxicity controls. EPA will also initiate enforcement of permits for combined sewer overflows and enforcement of sludge requirements in permits.

Headquarters

- o Headquarters will evaluate the use of available enforcement mechanisms to ensure the optimum use of enforcement authorities. Headquarters/Regions will assess State penalty practices. (Fourth Quarter)
- N o Headquarters will provide guidance to set priorities for monitoring and enforcement of sludge requirements. (First Quarter)
- N o Headquarters/Regions will revise NPDES Oversight Guidance to establish criteria for more effective oversight of approved States. (Second Quarter)
- N o Headquarters will provide a full range of assistance to States and Regions to assure that PCS is being utilized effectively and efficiently. (Ongoing)
- N o Headquarters will take the necessary steps to assure that PCS has the elements to allow for effective linking to other information systems. This requires entry of latitude/longitude data in PCS; identifying other environmental information systems with relevant information; and designing, distributing and using specially designed programs to facilitate system linkages, data download and uploads and data analyses.
- N o Headquarters (OWEP/ORD) will expand the DMR QA program to include a reference toxicant to test permittees' ability to conduct whole effluent toxicity tests. (Second Quarter)

- N o OWEP will coordinate with the Office of Municipal Pollution Control in the development and implementation of the Municipal Compliance Maintenance Program. (Ongoing)
- N o Headquarters will continue to encourage Regions to deliver inspector training and ensure that both new and experienced inspectors receive program-specific training. (Ongoing)
- + o Headquarters will work to implement the new EPA Federal Facility Compliance Strategy, signed by the Administrator on November 8, 1988. (Ongoing)

Regions/States/Indian Tribes

- o Regions and States, using the entire spectrum of enforcement mechanisms, will ensure compliance with all formal enforcement actions (AOs, civil and criminal) by tracking cases from initiation of referrals to entry of consent decrees or court orders, and by prompt follow up action when deadlines are missed. (Ongoing)
- o Regions will provide technical support for criminal investigations and prosecutions in program priority areas. Regions shall refer to the Office of Criminal Investigation matters involving suspected criminal violations, including significant unpermitted discharge and false reporting, or other fraud to the Agency. (Ongoing)
- o Regions will ensure that EPA judicial referrals/consent decrees and final administrative penalty orders contain appropriate civil penalties consistent with the CWA Penalty Policy; NPDES States will comply with penalty provisions in the National Guidance for Oversight of NPDES Programs. (Ongoing)
- o Regions/States will take timely and appropriate enforcement against SNC violations, including those involving toxic pollutants. (Ongoing) [SPMS]
- o Regions/States will increase the use of inspections to assess permittee biomonitoring capabilities and evaluate permittee procedures/techniques for toxicity reduction evaluations. (Ongoing) [SPMS]
- o Regions/States will continue to ensure timely and accurate data entry of WENDB data elements for pretreatment and for administrative penalty orders. (Ongoing)

- N o Regional enforcement staff will coordinate with Near Coastal program staff to determine whether enforcement action is required for less than significant noncompliance. (Ongoing)
- N o Regions/States will monitor compliance with sludge requirements in NPDES permits. (Ongoing)
- N o Regions/States will develop and implement Municipal Compliance Maintenance programs for anticipating when a POTW will reach design capacity. (1st Quarter)

7. Pretreatment

The goal is to assure that POTWs¹ fully implement and enforce pretreatment controls for conventional, nonconventional and toxic pollutants and hazardous wastes that are necessary to protect human health, the environment, and the treatment works. Administering Agencies should give priority to: 1) modifying the requirements of the approved program and NPDES permit to incorporate new requirements resulting from new or revised regulations and to correct inadequacies identified in the operations of the POTW pretreatment program, and 2) identifying those POTWs that meet the criteria for reportable noncompliance and report them on the Quarterly Noncompliance Report. Where the POTW also meets the new definition of significant noncompliance, formal enforcement action should be initiated when the POTW does not return to compliance within a timeframe consistent with the definition.

Administering Agencies, as they oversee local program implementation, should continue to give emphasis to the following three key areas to ensure effective implementation:

- o Program Modification: Regions and States will formally modify approved pretreatment programs to incorporate new requirements or correct inadequacies. Modification and approval will follow the October 17, 1988, amendments to the General Pretreatment Regulations, and focus on the following four areas:
 - a. Local Limits - In accordance with the 1985 policy memorandum and the FY 88 Local Limits Guidance Manual, site specific technically-based local limits must be developed for each approved program and periodically re-evaluated.

¹Throughout this section, wherever POTWs are cited, the same requirements apply to States or EPA acting as Control Authority in lieu of local program.

- b. Legal Authority - Consistent with section 403.8 of the Pretreatment Regulations, particularly as revised by the PIRT rule, POTWs, and in some cases States, will need to modify their legal authorities.
- c. Control Mechanisms - Based on the FY 89 IU Permitting Guidance Manual, and the PIRT amendments POTWs may need to develop and issue stronger IU control mechanisms for significant industrial users (SIUs).
- d. Enforcement Procedures - POTWs are responsible for ensuring the compliance of industrial users with pretreatment standards, including taking effective enforcement actions within reasonable time frames. Where approved programs do not specify detailed enforcement response procedures, they should be modified to include them consistent with the 1986 Pretreatment Compliance Monitoring and Enforcement Guidance (PCME).
- o Enforcement: Regions and States will assure that POTWs operate their approved programs and comply with reporting requirements. Where POTWs fail to successfully implement their program as measured by the guidance on significant noncompliance, Administering Agencies should take timely enforcement action to address the problem. Where the POTW does not act promptly to correct the situation, formal enforcement action should be initiated against the POTW to address the noncompliance.

Where there is an approved program, and the POTW has not taken all actions available under its authority, to secure the compliance of the IU, action against both the POTW and the IU will usually be appropriate. Where EPA or the State is the Control Authority, enforcement action should be taken against those IUs which have not complied with categorical standards, giving priority to IUs where the POTW has been identified as having interference or pass-through problems.

- o Data Management: Regions and States will assure that POTWs have in place and employ appropriate mechanisms to track and determine compliance rates for SIU's, using the definition of significant noncompliance when it is promulgated, and that POTWs report such data at least annually. States and Regions will employ PCS to track pretreatment information and assist in identifying POTWs which meet the criteria for reportable non-compliance and significant noncompliance. Regions and States should also use PCS to identify the compliance of IUs where EPA or the State is the Control Authority.

For State-run pretreatment programs, special attention will be given to monitoring and evaluating performance. Regions should ensure that States are inputting data into existing tracking

systems as appropriate and should monitor the overall performance of the program to ensure that industrial users are in compliance.

Where there is no approved local program Regions/States should evaluate the need to develop local programs consistent with section 403.8.

Headquarters

- o Headquarters (OWEP) will promulgate changes to the NPDES and General Pretreatment regulations based on the recommendations of DSS. (Second Quarter)
- N o Headquarters will propose changes to the NPDES regulations on the Quarterly Noncompliance Report to incorporate reporting requirements for pretreatment implementation. (Fourth Quarter)
- N o Headquarters will provide guidance defining the definition of significant noncompliance for POTWs which fail to implement their approved programs. (First Quarter)

Regions/States/Indian Tribes

- + o Regions/States will assess and provide technical assistance to POTWs as they implement/enforce their programs and adopt new regulations resulting from the findings of the DSS. (Ongoing)
- + o Regions/States will continue to place highest priority on enforcement against POTWs consistent with the guidance to be issued on significant noncompliance. Regions should continue to report all POTWs on the QNCR which meet the criteria for reportable noncompliance. (Ongoing)
- o Regions will use criminal enforcement authorities against appropriate industrial users with special attention on knowing/negligent introduction into a POTW of toxic pollutants/hazardous wastes (as defined by CWA sections 311(b)(2)(A) and 307(a); CERCLA section 102; RCRA section 3001; TSCA section 7) in excess of legal limits. Regions will provide technical support for criminal investigations and prosecutions in pretreatment cases. (Ongoing)
- + o Regions/States that act as control authorities will implement/enforce the pretreatment program consistent with national guidance, and will be held to the same standards of implementation as local authorities. (Ongoing)

- o Regions/States will ensure that all approved pretreatment programs are inspected or audited annually. (Ongoing) [SPMS]
- + o Regions/States will assure that all POTWs with approved programs for more than two years have in place and are implementing adequate and enforceable control mechanisms for at least 95% of SIUs. (Fourth Quarter)
- N o Regions/States will ensure that approved POTWs implement the definitions for significant noncompliance and significant industrial users as soon as they are promulgated. (Ongoing)

8. NPDES and Pretreatment State Program Approval, Review, and Oversight

In FY 90, the goal is to further strengthen the Federal/State partnership by conducting effective oversight to ensure sound, consistent implementation of State programs, improving the legal and regulatory basis of current State programs, and approving new State NPDES, pretreatment and sludge programs. As State NPDES and pretreatment programs mature and as more States assume these responsibilities, these activities continue to grow in importance. In addition, EPA will work with any Indian tribes seeking to administer the NPDES program as authorized by the WQA. Regions will continue to negotiate agreements with their States on managing and overseeing NPDES programs consistent with the Oversight Guidance and applicable NPDES/pretreatment regulations. By 1990, many of the initiatives begun in earlier years will be institutionalized into other documents and agreements, and more emphasis will be placed on follow up by Headquarters and by Regions to ensure the sound, consistent application of these principles and practices.

The Regions, with Headquarters assistance, will continue to review State programs to ensure that current State laws and regulations provide adequate authority to administer and enforce the national NPDES/pretreatment program requirements under the CWA, as amended. Continued emphasis will be given to following up on Action Plans established by States and Regions in FY 1988/89 to strengthen water quality based permitting for toxic pollutants and toxicity.

The Regions will continue to encourage NPDES States to assume authority for the pretreatment program, and will continue to condition section 106 grants accordingly. Regions should accelerate efforts to encourage State program modifications for general permitting authority, since this will be a key to successful implementation of stormwater program activities for all NPDES States. In addition, the CWA amendments are expected to produce increased activity with respect to State program

assumptions, including development of approvable State NPDES or other federally authorized programs to include sludge requirements, and treatment of Indians as States.

Headquarters

- o Headquarters will provide guidance/assistance to all Regions in conducting legal reviews, correcting program deficiencies, and responding to litigation/administrative petitions from third parties seeking withdrawal of State programs. (Ongoing)
- N o Headquarters will promulgate changes to NPDES Regulations to incorporate requirements of the Water Quality Act of 1987, including the treatment of Indian tribes as States, and to clarify existing regulatory provisions. (Fourth Quarter)
- N o Headquarters will work with the Regions to assist Indian tribes seeking to administer the NPDES program. (Ongoing)

Regions/States/Indian Tribes

- o Regions will increase their oversight of State-run pretreatment programs, and will take appropriate steps to correct problems where States are not adequately implementing/enforcing program requirements. (Ongoing)
- o Regions will continue to review/approve programs/program modification requests for NPDES (including pretreatment, general permits and sludge) and review and approve partial NPDES programs. (Ongoing)
- + o Regions will work with States to implement their toxic control action plans. (Ongoing)

9. State Revolving Fund Management

In the implementation of the State Revolving Fund program authorized under Title VI of the Clean Water Act, FY 1990 will be the key to the future of the program. Almost 40 States are projected to receive their initial capitalization grants by the end of FY 1989 and the remainder during FY 1990. Most States will therefore be completing their first SRF annual cycle by the end of FY 1990. It is crucial to the success of the SRF program that EPA and the States provide the necessary technical and financial resources. This is vital to ensure that each State's program is developed to effectively deal with municipal wastewater financing needs of both large and small communities.

In addition to the construction of wastewater facilities, SRF's can also be used to finance the implementation of NPS and groundwater control activities, the development and implementation of activities included in the National Estuary program, and wetlands protection activities that are an integral part of NPS, groundwater or estuarine programs. States should be encouraged to take full advantage of the discretion they have in selecting water quality management activities they can fund through their SRF's. States should also consider using funds available under the Governors' 20 percent discretionary fund to plan and implement these programs.

During FY 1990 the Regions and States will be working through the first annual review cycle and beginning the initial round of SRF annual audits. Close coordination will be the key to effective communication between all affected parties during that time.

EPA recognizes the direct link between the successful long term management of the SRF and State access to adequate administrative budgets. In view of the administrative cost provisions of the Clean Water Act, EPA will continue to assess the State's SRF management capability. This will continue to be a high priority for the Agency.

Headquarters

- o Headquarters will conduct formal reviews of applications which propose new aggressive leveraging or apply for aggressive leveraging exceptions, or propose to generate State match from the fund. Headquarters will assist Regional offices in reviewing other applications as requested.
 - o Headquarters will continue to oversee Regional activities, provide advice, develop additional guidance and regulations as appropriate; Headquarters will provide appropriate training.
 - o Headquarters will complete and submit a Report to Congress on the SRF program; Headquarters and Regions will work with States as appropriate to evaluate options to improve program management and take action to implement feasible recommendations.
- N o Headquarters will initiate efforts with OGWP to develop mechanisms for incorporating Ground-Water Protection Components into OMPC program activities.

Regions/States/Indian Tribes

- o Regions, with Headquarters assistance where needed, will review and approve State SRF capitalization grant applications. They will review annual reports and conduct annual reviews for those States which had received their initial capitalization grant awards in FY 1988 and FY 1989. They will effectively manage the SRF grant award process to ensure that payment schedules and cash draws are consistent with LOC cash draw rules. Regions and States will work together to resolve problems identified in annual reviews. [SPMS]
- o Regions and States will assist Headquarters with data collection and evaluation in support of SRF report to Congress.
- o Regions and States will provide projected FY 1991 disbursement schedules to Headquarters in the third quarter. [SPMS]
- o Regions will assist and support State SRF training.

10. Management of the Ongoing Construction Grants Program

The management of construction grant program will continue to be a high priority of the Office of Water. Approximately 4,000 projects representing a federal investment in excess of \$25 billion are in various phases which still require EPA action in FY 1990. In addition, the first grants to Indian Tribes from 518(c) set-asides are expected to begin construction during FY 1990. EPA is committed to working with the States and local governments to ensure that the technical, environmental and fiscal integrity of the program is maintained as that workload of projects moves toward completion.

In excess of ninety percent of the day-to-day project management activities in the construction grant program are performed by the States and U.S. Army Corps of Engineers under delegation agreements. These activities are supported by construction management assistance grants under Section 205(g) of the Clean Water Act. The increasing demands in State Water Pollution Control agencies coupled with the fifty percent decrease of available 205(g) funds in FY 1989 and FY 1990 have placed severe funding pressure on some State agencies. EPA will continue to conduct program reviews of State performance under delegation to assess the on-going quality of program delivery. During FY 1989 EPA will conduct a special program review to assess how effectively the program is being managed in light of funding reductions.

The administrative completion, audit, and audit resolution functions are critical in the successful management of grant projects. EPA and State program managers must be prepared to follow through on these functions not only to ensure full reconciliation of the Federal (and any matching State) financial involvement, but also to represent program decisions that were made during the course of the project, which the municipality relied on and which may be questioned during audit.

Headquarters

- o Headquarters will continue to emphasize the successful completion and closeout of the construction grant program, including working with the IG to promote high quality and timely completion of the program.
 - o Headquarters will continue to overview Regional performance in the management of the dispute resolution process under Part 31, Subpart F to ensure consistent interpretation of program regulations and policy, and to substantially reduce the number of disputes pending in the Regional Offices. Petitions (requests) for review of Regional Administrator's decisions by the Assistant Administrator for Water, will be analyzed, and when appropriate, revised by the Assistant Administrator. (Ongoing)
 - o Headquarters will continue to provide management information systems including GICS and the Needs Survey Data Base Management and Program Integration to ensure timely and accurate data is available to Regional and State Indian Tribe managers. (Ongoing)
 - o Headquarters and Regions will work effectively with Indian tribes, States and Indian Health Service to implement the EPA, Indian Policy, 518(c) set-aside program, the Indian Needs Survey, and the National project priority list funding decisions. (Ongoing)
- N o Headquarters will continue to support Regional/State/Indian tribe efforts to promote construction project safety.

Regions/States/Indian Tribes

- o States and Indian Tribes will continue to manage active construction grant projects including outlays. [SPMS]

- o States and Regions will continue to manage priority lists and new grant awards.
 - o Regions will maintain essential levels of oversight of delegated State activities to meet key delegation agreement and performance-based 205(g) grant requirements. They also will continue to manage Corps of Engineers Interagency Agreement resources supporting priority construction management activities in those States still requiring assistance.
- N
- o Regions will support the States' implementation of their Program Management Strategies which detail their multi-year plans for the management and completion of all construction grant projects.
 - o Regions and States will continue to provide and maintain timely and accurate program and project information for the GICS and Needs Survey information systems.
 - o Regions and States will continue to administratively complete and closeout projects meeting time-based goals. They will continue to work with the Agency's Office of Inspector General to ensure timely, high quality audit resolution. [SPMS]

**11. Municipal Wastewater Treatment Works Compliance
Maintenance and Infrastructure Protection**

Through the construction grant program, Federal, State and local governments have invested in excess of \$75 billion in the construction of municipal wastewater treatment works designed to provide cost effective, environmentally sound collection and treatment facilities in municipalities nationwide. The 1988 Needs Survey Report to Congress shows additional unmet needs of \$85 billion. The SRF loan program and the remaining grant program through FY 1991, together with State and local investment will finance these needs. These combined efforts represent a huge investment in wastewater treatment.

Compliance has been accomplished at most of these facilities through a combination of the NPDES program, the National Municipal Policy, and programs of operations management and evaluation under Section 104(g)(1) and onsite operator assistance at small plants. Maintaining compliance in the future will become increasingly more difficult as local government is faced with 1) managing wastewater utilities under pressures of increasing demands for service, 2) pressures to keep operating and customer service charges as low as possible, and budgets down, 3) the need to maintain aging treatment facilities in

working condition as they receive an ever larger percentage of their design flow, and 4) the loss of qualified operation and maintenance personnel at increasing skill levels to keep pace with the complexities of treatment technology, 5) changes in water quality standards and permit limits.

Much of EPA's effort to date has focused on management initiatives to ensure that these facilities were properly planned designed, and constructed, and that this occurred in a timely manner. FY 1990 is the final year of Title II appropriation for project funding. The servicing of those projects to ensure that construction, administrative completion and audit occurs as scheduled represents a very large ongoing workload. One of the major objectives of this initiative will be to protect the huge investment made by the Federal government in wastewater treatment infrastructure and to maintain its compliance gains. Beginning with some groundwork in FY 1989, EPA will, in cooperation with the States and Indian Tribes establish a compliance maintenance initiative that will support and promote effective management of wastewater treatment infrastructure.

The Compliance Maintenance and Infrastructure Management initiative will incorporate many elements of the current management system, and in cooperation with the States and Indian tribes will focus efforts to support POTW operations and compliance through the 1990s. EPA recognizes that the primary responsibility for compliance rests at the local level, and that it is the States who are in the best position to work with local government to manage the compliance posture over time. EPA's objective is to facilitate the development of compliance maintenance management plans by acting as a coordinating element to transfer the best features of the plans across States to ensure that the federal investment is maintained.

In addition, during FY 1990, the emphasis on the State and Indian tribes operations and maintenance, and operator training programs including expanded financial management assistance will continue along with special emphasis in assistance to small communities. The EPA awards program has become a fixture in the wastewater treatment industry and symbolizes the Agency's commitment to the ongoing operation and maintenance of facilities to achieve compliance.

Headquarters

- N o During FY 1989, Headquarters will survey the States to identify ongoing compliance maintenance strategies that are currently in place and will summarize the results of that effort in a report. These summaries will describe how the strategies address toxics,

pretreatment and sludge. OMPC will coordinate the effort with other affected Headquarters offices and the Regions.

- N o OMPC and OWEP will coordinate the development of a national program for the implementation of municipal compliance maintenance during FY 1990.
- o Headquarters will continue to provide national policy and funding guidance, oversee Operations Management Evaluations, provide technical and State program development assistance and coordination, and disseminate information. (Ongoing)
- o Headquarters will continue funding/coordination of operator training programs under Sections 104(g)(1) and 109(b) of the Clean Water Act, including expansion of these programs to jointly address drinking water and solid waste problems as well as advise small communities on planning and financial management matters.

Regions/States/Indian Tribes

- o Headquarters and Regions will continue to effectively manage the O&M Excellence Awards Program. They will solicit nominations from States, Indian Tribes and POTWs, make highly regarded Regional awards in all categories to the extent feasible, and promote wide publicity. They will refer highly qualified nominees to Headquarters for national awards consideration. Headquarters will continue to coordinate national awards programs to recognize outstanding pretreatment programs and to promote beneficial uses of sludge. (Ongoing)
- N o The Regions, as part of their FY 1990 mid-year self evaluation, will summarize the status of the compliance maintenance initiatives in their States, Indian Tribes and any further actions that are planned.
- N o States, Indian tribes and Regions will continue to provide onsite compliance, technical assistance and operator training at small POTWs, i.e., Operations Management Evaluation (OMEs). Based on Headquarters training, they will conduct expanded financial management/user charge system diagnostic evaluations as appropriate and assist local officials to obtain needed State/private sector assistance.

- o Regions will negotiate and award Section 104(g)(1) operator training grants, participate in negotiations on use of Section 106 and 205(g) grants for O&M activities, and encourage additional State funding support. (Ongoing).
- N o Regions will promote development and implementation of improved State, Indian tribes, O&M and operator training programs to support objectives for municipal compliance and protection of public capital investments. (Ongoing)

12. Municipal Technology Transfer and Small Community Outreach

As the construction grant program, with intensive Federal involvement, phases down, the tools available to municipalities to plan, design, finance and operate their wastewater facilities will be more important than ever. At the same time that municipalities must become more self-reliant, they also will be faced with new technological, financial and operational challenges. These include toxics (both water and air), sludge management under new regulations, improved CSO and storm sewer pollutant controls, and wastewater treatment facilities approaching the end of their design life and financing the full capital cost of new and upgraded facilities without Federal grants. In order to provide cost-effective, affordable wastewater treatment which continues to meet increasingly demanding permit requirements, municipalities and their consultants must have access to the best information on the range of topics relevant to municipal technology finance, management and operations. Although certainly not the sole repository of this information, EPA, nevertheless, is clearly in the best position to assure that the user communities have access to this information. The source of this information will be a broad technology transfer/outreach network consisting of individuals and organizations from the academic, State local, private and Federal sectors.

A Municipal Wastewater Technology Initiative is being developed to identify the future role of the Federal government (including EPA) in providing municipal wastewater treatment technology assistance. This initiative will involve preparation of a report documenting municipal wastewater research and development and technology transfer needs using input of a wide variety of outside groups, including suggestions on who should help meet these needs.

Technology transfer of needed wastewater and sludge management information will continue using the existing network of Agency (including Regional and ORD staff) professional, public and private sector participants. Using client needs data as a target, the required technical and financial information can be generated or obtained from existing sources. The best sources of

this information Technology transfer, will come from successful, ongoing practices. These include full scale projects, research and demonstration activities and adaptation of proven foreign technology. Active liaison with the practitioners in the private sector through the professional and technical societies also will be of a key ingredient in these technology transfer efforts. A separate but closely related small community outreach initiative also has been developed to improve the ability of small communities to choose, design, construct and operate the most appropriate wastewater treatment facilities.

Small communities can least afford to make costly mistakes in their planning, financing or technology selection decisions. Special efforts will continue to be made to assist the small communities through the technology transfer/outreach network.

Those who have been successful at solving small community problems in all environmental media (including drinking water and solid waste as well as wastewater) will be tapped for their technical and financial expertise so that others may also benefit from these solutions. In this way Federal and State programs will be more effective in reaching and helping small community officials when outreach efforts related to wastewater, water supply and solid wastes are coordinated and combined wherever possible.

EPA believes that States are in the best position to deliver information and provide support to the local officials within their boundaries. Therefore, OMPC will work through the EPA Regional Offices to assure that each State develops and implements a proactive small community outreach program.

A number of national associations also have an interest in or can provide support to assist small communities with their infrastructure needs. Other Federal agencies, like the USDA, have programs which can provide financial assistance, information and other types of support to small communities. OMPC will continue to identify and work with appropriate national organizations and Federal agencies to enhance our mutual efforts and coordinate State outreach programs.

Headquarters

- o Headquarters will implement and continue to refine its municipal technology transfer and small community outreach initiatives. These initiatives provide the framework for the overall OMPC efforts regarding municipal technology transfer and small community outreach.

- N o Headquarters will continue to identify a wide variety of individuals and organizations who can participate in a municipal technology transfer and a small community outreach network. Those identified will be contacted and steps will be taken to integrate them into the network.

- N o Headquarters will work closely with the Office of Research Development to establish Municipal Technology Subagreements which continue to meet the needs of the Technology Subagreements, and which continue to meet the needs of the network clients including small communities.

- N o Headquarters will begin to disseminate the results of its efforts with the Water Pollution Control Federation and others to identify problem technologies and potential solutions to those problems.

- o Headquarters will disseminate research and field information concerning the emission of air toxics from POTWs and improved toxics removal from POTW effluents, including appropriate assistance and coordination with the RCRA and CERCLA programs. (Ongoing)

- o Headquarters, with limited Regional and State assistance, will complete and transmit reports to Congress on sulfide corrosion and rainfall-induced infiltration. Headquarters will disseminate the updated wastewater disinfection policy and the results of the sewer exfiltration study. (Ongoing)

- o Headquarters will support a National Technology Forum and a series of seminars to present information on the evaluation, design and use of wastewater treatment systems, especially those involving innovative/alternative technologies. (Ongoing)

- o Headquarters will continue evaluating selected sludge management technologies for beneficial use and support sludge management workshops for information dissemination on sludge technologies. Headquarters will continue the sludge beneficial use awards program. (Ongoing)

- N o The Office of Municipal Pollution Control and the Office of Drinking Water in EPA Headquarters will continue to work together so that information transfer and technical assistance efforts of each program can be carried out efficiently and effectively, especially for small systems.

- N o Headquarters will encourage public/private partnerships as a means of meeting local environmental infrastructure needs. Information on particularly successful public/private partnerships will be developed and disseminated.
- o Headquarters will continue to fund and manage the National Small Flows Clearinghouse at West Virginia University to provide support to the municipal technology transfer and small community outreach initiatives.
- o Headquarters will continue to finance the development and initial implementation of new and innovative State approaches to outreach through incentive grants and demonstration grants.
- o Headquarters, with participation of the Regions and States, will continue to implement the Action Plans developed in 1989 to support the Agency's National Coastal and Maine Policy. (Ongoing)

Regions/States/Indian Tribes

- o Regions will work with Headquarters to identify those individuals and organizations who can participate in municipal technology transfer and small community outreach networks.
- o Regions and States will support the identification, evaluation and information dissemination of selected treatment technologies for effectiveness of removal of conventional and toxic pollutants, recycle and reuse of wastewater and sludge, improved capital and O&M cost-effectiveness and improved operability and maintainability. (Ongoing)
- o Regions and States will continue their efforts to promote beneficial uses of sludge, including participating in the sludge beneficial use awards program. (Ongoing)
- N o Regions will develop agreements between their water supply and wastewater treatment units in the outlining how they will cooperate in outreach, technology transfer and technical assistance.
- N o Regions and States will work towards improving coordination of agencies, groups, and organizations

already providing assistance to small communities to promote more effective and efficient delivery of services to local officials.

- o Regions, States and Indian tribes will take measures to continue outreach programs initiated and developed through incentive and demonstration grants.

IV. REGIONAL INITIATIVES

Background

This section of the FY 1990 Agency Operating Guidance discusses projects initiated by either a Region or a State to address specific environmental problems. These problems are often complex, involving multiple pollutant sources and regulated by organizations with fragmented regulatory responsibilities. The nature of these issues necessitates that coordination occur at the national, Regional and State level.

In FY 1990 each Region may at its discretion provide a list of Regional initiatives to be undertaken during this fiscal year. Particular emphasis should be placed on initiatives that reflect Regional/State efforts to identify and resolve actual environmental problems.

The Regions will negotiate priorities for the initiatives with Headquarters and, when possible, undertake an initiative within existing resources. Where resources for base-level activities are decreased and shifted to implement an initiative, a process must be developed to maintain the level of water quality already achieved through previous program actions.

Specific Requirements

Each Region may propose two or three environmental initiatives for discussion with Headquarters. These should be initiatives that offer unique solutions or approaches to dealing with problems and for which progress can be measured when they are implemented.

For each initiative that involves a reduction in the commitment for a SPMS measure the Region should demonstrate that it lacks the flexibility to pursue the initiative within their operating plan resources levels, and that more environmental protection or risk reduction should result from the initiative. In addition, the Region should propose alternative commitments for the SPMS Measure and identify the process by which they will track the initiative.

After negotiations with HQ, each participating Region will select the environmental initiatives to be undertaken during FY90. Regional progress on the initiatives and constraints will be reviewed during each Region's mid-year quarterly reviews.

OFFICE OF DRINKING WATER
FY 1990 PROGRAM SUPPLEMENTAL GUIDANCE

GUIDANCE

FINAL PUBLICATION DATE

PWSS PROGRAM

- | | |
|---|--------|
| 1. Annual PWSS Enforcement Agreement
Guidance (including timely and
appropriate criteria) | 4/1/89 |
| 2. SPMS/OWAS Reporting Guidance | 4/1/89 |

UIC PROGRAM

- | | |
|---|--------|
| 1. Annual UIC Enforcement Agreement
Guidance | 4/1/89 |
| 2. SPMS Reporting Guidance | 4/1/89 |
| 3. Compliance Evaluation | 4/1/89 |

OFFICE OF GROUND-WATER PROTECTION
FY 1990 PROGRAM SUPPLEMENTAL GUIDANCE

GUIDANCE

FINAL PUBLICATION DATE

- | | |
|---|-----------------------------------|
| 1. Annual Guidance for State Ground-Water Protection Grants Funds by Section 106 of the Clean Water Act | 2/89 for FY 90
11/89 for FY 91 |
| 2. Guidelines for Activities Under 319 (i) of the CWA | 4/89 |
| 3. Guidelines for the Sole Source Aquifer Post-Designation Review Process | 3/89 |

OFFICE OF MARINE AND ESTUARINE PROTECTION
FY 1990 PROGRAM SUPPLEMENTAL GUIDANCE

GUIDANCE

FINAL PUBLICATION DATE

- | | |
|---|--|
| 1. Guidance for implementation of the Revised Ocean Disposal Regulation | Pending Promulgation of the Revised Regulation |
| 2. National Estuary Program Guidance on Contents of a Governor's Nomination | 3/31/89 |
| 3. National Estuary Program Section 320(g) Grant Regulation and Delegation of Grant Authority | 3/31/89 |

OFFICE OF WETLANDS PROTECTION
FY 1990 PROGRAM SUPPLEMENTAL GUIDANCE

<u>GUIDANCE</u>	<u>FINAL PUBLICATION DATE</u>
1. Guidelines on Determining Significant Enforcement Priorities	4/89
2. Guidance/Clarification for "Strategic Initiatives"	4/89

OFFICE OF REGULATION AND STANDARDS
FY 1990 PROGRAM SUPPLEMENTAL GUIDANCE

GUIDANCE

FINAL PUBLICATION DATE

1. 305 (b) Guidelines
2. 304 (1) regulation
3. Indian Grant Regulation

4/1/89

proposed 1/4/89

the interim
final is
expected 3/89

OFFICE OF WATER ENFORCEMENT AND PERMITS
FY 1990 PROGRAM SUPPLEMENTAL GUIDANCE

<u>GUIDANCE</u>	<u>FINAL PUBLICATION DATE</u>
1. Guidance on Development of Penalties Pretreatment Implementation Cases	12/88
2. Interim Final National Permitting Strategy for Combined Sewer Overflows	1/89
3. Guidance on Reissuance of Organic Chemical NPDES Permits	2/89
4. Compliance Monitoring and Enforcement Strategy for Toxic Control	1/89
5. Permitting Principles and Guidance for Toxic Control	1/89
6. Municipal Compliance Maintenance Strategy (draft)	2/89
7. Industrial User Permitting Guidance Manual	3/89
8. Local Limits Case Studies	3/89
9. Final TRE/TIE Guidance	3/89
10. Final Guidance on 402(p) (2) (E) Stormwater Designations	3/89
11. Cases Studies for BPJ for Centralized Waste Treaters	3/89
12. Final Interim Sludge Strategy	3/89

OFFICE OF MUNICIPAL POLLUTION CONTROL
FY 1990 PROGRAM SUPPLEMENTAL GUIDANCE

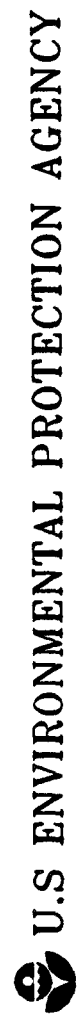
GUIDANCE

FINAL PUBLICATION DATE

1. Priorities List Guidance

3/89





Office of Water

FY 1990 SPMS Measures and Definitions

OFFICE OF WATER
FY 1990
Public Water System Supervision

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<p>Ensure compliance with existing drinking water standards.</p>	<p><u>IDENTIFYING SNCS & PRIORITY VIOLATORS</u></p> <p>1. Report the number of SNCS and priority violators occurring during the specified time frames, for each of the following groups. In additions, for each of group (a) and (c) [the micro/turbidity/TTHM] establish an annual target for the number of violators and the net percent change in the number of violators occurring from the fourth quarter of FY 1989 to the fourth quarter of FY 1990.</p> <p>a) micro/turbidity/TTHM CWS SNCS b) chem/rad CWS SNCS c) <u>micro/turbidity/TTHM NNOWS priority violators</u> d) <u>chem/rad NNOWS priority violators</u> (Note: date are lagged on quarter.)</p>	<p>DW/E-1</p>	<p>Q 1,2,3,4 Q 1 Q 1,2,3,4 Q 1</p>

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OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
	<p><u>RESOLVING NEW SNCS/PRIORITY VIOLATORS & IDENTIFYING NEW EXCEPTIONS</u></p> <p>1. Report against the "new" microbiological, turbidity, and TTHM (monitoring) SNCS & priority violators from 2 quarters ago, the number which: returned to compliance; had a formal enforcement action taken against them; or became exceptions this quarter. <u>Report separately for each of the following two groups.</u> (Note: Data are lagged one quarter.)</p> <p>a) <u>CWS SNCS</u></p> <p>b) <u>MINCWS priority violators.</u></p> <p>Report against the "new" chemical and radiological SNCS & priority violators identified in the 2nd quarter of FY '89, the number which: returned to compliance; had a formal enforcement action taken against them; or became exceptions this quarter. <u>Report separately for each of the following two groups.</u> (Note: Data are lagged one quarter.)</p> <p>c) <u>CWS SNCS</u></p> <p>d) <u>MINCWS priority violators.</u></p>	<p>DM/E-2</p>	<p>Q 1,2,3,4</p> <p>Q 1</p>

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Public Water System Supervision

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Ensure compliance with existing drinking water standards.	<u>RESOLVING EXCEPTIONS</u>	DW/E-3	Q 1,2,3,4
	<p>1. Report the number and percent of exceptions identified through the prior quarter which have since returned to compliance, had a formal enforcement action taken against them, or remain exceptions as of this quarter. Report separately for each of the following four groups:</p> <ul style="list-style-type: none"> a) <u>micro/turbidity/TTHM CWS exceptions</u> b) <u>micro/turbidity/TTHM MINOWS exceptions</u> c) <u>chemical/radiological CWS exceptions</u> d) <u>chemical/radiological MINOWS exceptions</u> <p>(Note: Data are lagged one quarter.)</p>		
	<u>MEASURE TOTAL STATE AND FEDERAL ENFORCEMENT ACTIVITY</u>	DW/E-4	Q 1,2,3,4
	<p>1. Report the total number of EPA administrative orders, the total number of State administrative orders issued, the total number of EPA 1431 emergency orders and the total number of EPA complaints with penalties. (Note: Data are lagged one quarter.)</p> <p>2. Report the number of civil actions referred to State Attorneys General, the number of civil cases filed by the Attorneys General, the number of criminal charges filed by the Attorneys General, the number of civil cases concluded by the Attorneys General, and the number of criminal cases concluded by the Attorneys General. (OECM will report the same data for EPA referrals.) (Note: Data are lagged one quarter.)</p>		Q 1,2,3,4
		DW/E-5	

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Public Water System Supervision Definitions

DA/E-1 IDENTIFYING SNCS & PRIORITY VIOLATORS

This measure will report the number of CWSs which meet the definition of SNC, and the number of NINCS which meet the definition of priority violator for either a microbiological, a turbidity, an inorganic, an organic, or a radiological requirement. Regions are to report four numbers: 1) micro/turbidity/TTHM CWS SNCS, 2) chemical/radiological CWS SNCS, 3) micro/turbidity/TTHM NINCS priority violators and 4) chemical/radiological NINCS priority violators. The two groups of micro/turbidity/TTHM violators will be compiled four times in support of the FY '90 SPMS -- on 1/1/90, 4/1/90, 7/1/90, and 10/1/90. The two groups of chemical/radiological violators will be compiled once, in the first quarter of FY '90 (on 1/1/90).

Each State shall set a target for the percent change in the number of microbiological/turbidity/TTHM SNCS from the last SPMS report of FY '89 (10/1/89) to the last SPMS report of FY '90 (10/1/90). The national goal is for a 10% reduction in the number of SNCS over the above 12 month period. The performance expectations may vary from State to State based on individual circumstances. Regions are to negotiate each State's SNC target based upon the State's current compliance statistics and capabilities for violation reduction. While some States will negotiate targets which are less than 10%, we also expect some States to be able to achieve more than a 10% reduction. The national goal should not be interpreted as being the maximum reduction that a State should strive for if it is capable of a greater reduction.

Each State shall also set a target for the percent change in the number of microbiological/turbidity/TTHM priority violators occurring from the last SPMS report of FY '89 (10/1/89) to the last SPMS report of FY '90 (10/1/90). There currently is no national goal for this target. Regions should negotiate this target on a case by case basis.

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

- violates the microbiological MCL for 4 or more months during any 12 consecutive month period; or
- violates the turbidity MCL for 4 or more months during any 12 consecutive month period, or
- is a "major" violator of the microbiological monitoring or reporting requirements for 12 consecutive months, or

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

A Priority Violator is a nontransient noncommunity water system (NTNWS) which meets any of the same eleven SMC criteria that apply to QWSs.

Major Violator of a Monitoring or Reporting Requirement -- monitoring or reporting violations where a system fails to take any samples for a particular contaminant during a compliance period, or where the system has failed to report the results of the analyses to the primary agent for a compliance period. (If the agent receives no monitoring report or receives a report indicating that no monitoring was conducted, the M/R violation shall be classified as "major".

Level Above Which Exemptions May Not Be Issued -- Analytical levels for all of the currently regulated chemical and radiological contaminants (except THM), above which exemptions may not be issued are contained in WSG-61 published in 1979. These levels will be effective until the levels are revised (revision is currently in process). Since no exemption level currently exists for THM we will use the MCL until such a level is developed for THM.

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DM/E-2 RESOLVING NEW SNCs/PRIORITY VIOLATORS & IDENTIFYING NEW EXCEPTIONS

This measure will report the systems which met the definition of "new" SNC or priority violator for microbiological, turbidity, and THM requirements two quarters ago, which returned to compliance, had an appropriate enforcement action taken against them, or became an exception for the first time this quarter. For chemical and radiological SNCs or priority violators the measure will report the number or "new" chem/rad SNCs or priority violators identified in the 2nd quarter of FY '89, which returned to compliance, had an appropriate enforcement action taken against them, or became exceptions for the first time in the 1st quarter of FY '90. Regions are to report four numbers, one for each of the following categories: 1) CWS micro/turbidity/THM SNCs, 2) CWS chemical/radiological SNCs, 3) NNOWS micro/turbidity/THM priority violators, and 4) NNOWS chemical/radiological priority violators.

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

"Returned to Compliance" for SNCs or priority violators of a chemical or radiological analytical level is conducting analyses that demonstrates that the system no longer exceeds the level prescribed in guidance above which exemptions may not be issued.

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

An "appropriate enforcement action" for SNCs or priority violators is any of the following:

- (a) the issuance of a bilateral, written compliance agreement signed by both parties, which includes a compliance schedule. (only appropriate States)

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- (b) the issuance of a State or final Federal Administrative Order, Compliance Order.
- (c) the referral of a civil judicial case to the State Attorney General, or DOJ.
- (d) the filing of a criminal case in an appropriate State or U.S. District court.

A "first time exception" is a new SNC or priority violator which was not addressed timely and/or appropriately.

A "new SNC" is a system which has been identified for the first time as an SNC.

A "new priority violator" is a system which has been identified for the first time as a priority violator.

Timeliness for SNCs and priority violators of microbiological MCL and/or M/R, turbidity MCL and/or M/R, or THM requirements is eight months after the system became an SNC or priority violator. (Two months for the State to determine, and become aware of, the system's SNC or priority violator status and six months in which to complete the follow-up/enforcement action).

Timeliness for SNCs and priority violators of chemical (other than THM monitoring) or radiological requirements is fourteen months after the system became a SNC or priority violator. (Two months for the State to determine, and become aware of, the system's SNC or priority violator status and twelve months in which to complete the follow-up/enforcement action).

DW/E-3 RESOLVING EXCEPTIONS

An exception is a system which was an SNC or priority violator and was not addressed timely and/or appropriately.

This measure will track State and Regional follow-up actions on exceptions. We will tally the number of exceptions remaining at the close of the previous quarterly report and measure follow-up activity which occurred during the current quarterly report.

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Public Water System Supervision Definitions

DW/E-4 ADMINISTRATIVE ENFORCEMENT ACTIVITY

This measure is intended to identify the level of effort of administrative enforcement activity occurring at the State and Federal levels. The measure is to include actions taken against any system (regardless of whether it is classified as an SNC, priority violator, non-SNC, or non-priority violator. Only those State actions that are against violators of "SDWA requirements" should be counted. Actions against violators of non-SDWA requirements (e.g., violations of State operator certification requirements) should not be counted.

The information should include all the actions occurring during the quarter -- it is cumulative. This measure will be compiled all four quarters during FY '90. NO actions "in the works" should not be counted. These will likely be completed in the subsequent three months and States and Regions will get "credit" for them in the following reporting period.

The performance expectations for individual Regions for the number of proposed and final NOs should be roughly equivalent to the actions predicted as being achievable in the FY '90 Enforcement Resources Model.

DW/E-5 JUDICIAL ENFORCEMENT ACTIVITY

This measure is intended to identify the level of effort of judicial enforcement activity occurring in the State. (Federal judicial activity will be reported separately by the Office of Enforcement and Compliance Monitoring). The measure is to include actions taken against any system regardless of whether it is classified as an SNC, priority violator, non-SNC, or non-priority violator. Only those State actions that are against violators of "SDWA requirements" should be counted. Actions against violators of non-SDWA requirements (e.g., violations of State operator certification requirements) should not be counted.

The information should include all the actions occurring during the quarter -- it is not cumulative. This measure will be compiled all four quarters during FY '90. Cases or charges "in the works" should not be counted. These will likely be completed in the subsequent three months and States and Regions will get "credit" for them in the following reporting period.

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

OFFICE OF WATER
FY 1990
Ground-Water Protection

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<p>Promote risk reduction efforts and prevent the contamination of current or potential drinking water resources through wellhead protection activities.</p>	<p>Track, against targets established by each Region, the number of States which have submitted a wellhead protection (WHP) program to EPA for review and determination if the program meets the full or partial requirements mandated by statute, and subsequent approval/disapproval.</p>	<p>GW-1</p>	<p>Q 1,2,3,4</p>

OFFICE OF WATER
FY 1990
Ground-Water Protection Definitions

GW-1 WELLHEAD PROTECTION PROGRAM

This measure is designed to build on the initiatives* undertaken by the Regions in 1988 and 1989 with interested States to promote States' development of either a wellhead protection (WHP) program or wellhead protection activities which are significant components of a WHP program.

Performance Expectation:

It is expected that each Region will increase the number of States with approved Wellhead Protection programs in 1990.

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

OFFICE OF WATER
FY 1990
Underground Injection Control

OBJECTIVE	MEASURE	SHS CODE	FREQUENCY
Issue Underground Injection Control (UIC) Permits expeditiously.	Track, by Region, progress against quarterly targets for the number of UIC Class I, II, III, and V well permit determinations made by EPA and the number made by State and Indian Tribe primacy programs. Provide the number of wells affected by these determinations.	DW-1	Q 1,2,3,4
Assure that injection wells are inspected and maintain mechanical integrity	a. Track, by Region, progress against quarterly targets for the number of wells that have mechanical integrity tests performed by operators and verified by the EPA, State and Indian Tribe primacy program Directors. b. Track, by Region, progress against quarterly targets for the number of wells inspected by EPA and by State and Indian Tribe primacy programs.	DW-2	Q 1,2,3,4
Ensure that any potential endangerment to USDWs is identified.	Track, by Region, for State and Indian Tribe primacy programs and for EPA, the number of Class I, II, III, IV and V wells found in SNC.	DW/E-6	Q 1,2,3,4
Determine what portion of the regulated universe has been specifically reviewed in any given year and found to be in compliance with the regulations.	Track, by Region, against quarterly targets for the number of UIC Class I, II and III and permitted Class V wells or facilities checked for compliance by EPA and by primacy States and Indian Tribe primacy programs. (Report by well class.)	DW/E-7	Q 1,2,3,4
Maintain a high level of compliance through enforcement activities.	Track, by Region, State and Indian Tribe primacy programs and for EPA, all wells that appear on the Exceptions List from the date the violation becomes an exception through the date of return to compliance, noting the date the formal enforcement action was taken, if any.	DW/E-8	Q 1,2,3,4

OFFICE OF WATER
FY 1990
Underground Injection Control

OBJECTIVE	MEASURE	SMS CODE	FREQUENCY
	Track the total number of EPA administrative orders, the total number of State and Indian Tribe primary programs equivalent actions issued and the total number of §1431 emergency orders issued by well class.	DW/E-9	Q 1,2,3,4
	Track the number of civil actions referred to State Attorneys General, the number of civil cases filed by the Attorneys General, the number of criminal charges filed by the Attorneys General, the number of civil cases concluded by the Attorneys General, and the number of criminal cases concluded by the Attorney General. (OECM will report the same data for EPA referrals).	DW/E-10	Q 1,2,3,4

OFFICE OF WATER
FY 1990

Underground Injection Control Definitions

DW-1 PERMIT DETERMINATIONS

This measure provides an indication of how well Regions, States and Indian Tribes with primacy are addressing permit requests so that all operations will meet the minimum technical and regulatory standards and USDWs will be protected from contamination. Identify, for each Region, State and Indian Tribe with primacy, the total number of permit determinations which include the approval or denial of UIC permit requests/actions such as: applications for permits, major modifications to issued permits, revocation and reissuance of permits, or termination of permits for cause. A complete permit determination includes a thorough technical evaluation of the request, public notification or review before issuance, and a final decision document signed by the regulatory authority. States and Regions are to place special emphasis on permitting Class V wells that pose a high contamination risk to USDWs or where environmental controls would be beneficial.

Based on the FY 1990 budget proposal and prior performance by Regions and States it is expected that Regions, States and Indian Tribes with primacy will make 6,900 permit determinations in FY 1990.

DW-2 INSPECTIONS AND MECHANICAL INTEGRITY

Definition of Inspection - A complete inspection should include an assessment of: the well head, pressure and flow meters, pipeline connections, and any other equipment associated with the injection system; an inspection is complete only when a report has been filed with the regulatory authority. Based on the FY 1990 budget proposal and prior performance by Regions and States it is expected that EPA, States and Indian Tribes with primacy will inspect 61,600 wells.

Definition of Mechanical Integrity Test

A complete MIT is composed of a test for significant leaks in the casing, tubing or packer and a test for significant fluid migration into a USDW through vertical channels adjacent to the well bore. An MIT consists of a field test on a well or an evaluation of a well's monitoring records (i.e., annulus pressure, etc.) or cement records. At a minimum, the mechanical integrity of a Class I, II, or III (solution mining of salt) well should be demonstrated at least once every five years during the life of the well.

Based on the FY 1990 budget proposal and prior performance by Regions and States, it is expected that EPA, States and Indian Tribes with primacy will verify that 21,900 wells have been tested for mechanical integrity.

OFFICE OF WATER

FY 1990

Underground Injection Control Definitions

DM/E-6 DISCOVERY OF POTENTIAL ENDANGERMENT

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

This measure provides an indication of how many wells with SNC violations have been identified this year to date, whether or not the wells have been returned to compliance.

DM/E-6 ENFORCEMENT AGAINST VIOLATIONS

Definition of an Enforcement Action against any Noncompliance: Any number of appropriate responses to violations: Warning letter that specifies nature of violation, required responses and possible criminal/civil liabilities; Field inspection; "show cause" meeting between violator and primacy agency; Request for new/additional information; Request for permit application; Initiate permit modification, alternation or termination or impose or modify a compliance schedule; Issue Administrative Order; Commence bond forfeiture or utilize other financial mechanisms to plug the well; or Referral to State AG/Department of Justice (DOJ) (Civil or Criminal). An enforcement action can be formal (See DM/E-8) or informal, e.g., Telephone call (appropriately documented).

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

OFFICE OF WATER

FY 1990

Underground Injection Control Definitions

DW/E-7 COMPLIANCE REVIEWS

This measure provides an indication of how many Class I, II and III wells and permitted Class V wells each Region, State and Indian Tribe with primacy specifically reviews (including an inspection) in any given year for compliance with UIC regulations. A compliance review strategy may differ from Class to Class but should include the examination of: monitoring reports, completion reports of well workovers, mechanical integrity test reports, a well's ownership and financial responsibility demonstration and all temporarily abandoned wells. The compliance review will replace the file review reporting element for FY 1990. Note: the Indian Tribes with primacy programs will still conduct an initial file review to assure that all existing Class II injection wells are sited, designed, constructed and operated in a way that will assure prevention of endangerment to USDWs.

DW/E-8 EXCEPTIONS LIST

This measure provides an indication of how well States are resolving incidents of significant noncompliance. This is the name specific Exceptions List report which identifies those well owners and/or operators reported in significant noncompliance (SNC) on EPA Form 7520-2B for two or more consecutive quarters without being addressed with a formal enforcement action or returned to compliance. Any SNC reported on Form 7520-4 shall be reported until the SNC is resolved. Once a SNC is reported as resolved, it need not appear in subsequent reports.

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

OFFICE OF WATER

FY 1990

Underground Injection Control Definitions

DM/E-9 ADMINISTRATIVE ORDERS

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

DM/E-10 REFERRALS

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

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

OFFICE OF WATER
FY 1990
Marine and Estuarine Protection

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<p>Prepare environmental impact statements and rule making packages for ocean dumping site designation.</p>	<p>Track, by Region, progress against quarterly targets for:</p> <ul style="list-style-type: none"> - number of final environmental impact statements, and - Number of sites designated. 	WQ-1	Q,1,2,3,4
<p>Achieve the 29 commitments made in the 1987 Agreement by 1991.</p>	<p><u>1987 AGREEMENT</u> Track against targets the cumulative number of commitments in the 1987 agreement that were completed.</p>	CB-1	Q,2,4

OFFICE OF WATER

FY 1990

Marine And Estuarine Protection Definitions

WO-1 OCEAN DISPOSAL PERMITS

1(a) number of final environmental impact statements (EISs) - It is expected that the Regions will prepare EISs for dredged material disposal sites based on the priorities set forth in the Memorandum of Understanding (MOU) between the Region and the Corps of Engineers District Office, and will prepare EISs for municipal and industrial disposal sites based on national priorities. The preparation of final EISs includes incorporating response to all comments received, and making necessary changes to finalize the EIS, which may include updating any of the surveys or special interagency activities, such as endangered species considerations.

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

OFFICE OF WATER
FY 1990
Wetlands Protection

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Protect the most important wetlands and other special aquatic sites.	Track progress against targets for the number of strategic initiatives started.	WQ-2	Q,1,2,3,4
Manage an effective section 404 compliance/enforcement program.	<p>Number of strategic initiatives completed.</p> <p>Number of administrative compliance orders issued during the quarter.</p> <p>Number of administrative penalty complaints issued during the quarter.</p> <p>Number of civil cases referred to DOJ during the quarter.</p> <p>Number of criminal cases referred to DOJ during the quarter.</p> <p>Number of cases resolved during the quarter.</p>	WQ/E-1	Q,1,2,3,4

OFFICE OF WATER
FY 1990
Wetlands Protection Definitions

WO-2 PROTECTION OF IMPORTANT WETLANDS AND OTHER SPECIAL SITES

The "Strategic Initiatives" (SI) encompasses a fairly wide range of strategic activities undertaken by a Region to improve protection of wetlands and/or other critical aquatic habitats on a broad (temporal/spatial) scale. An SI may be extensive involving increased EPA action on a broad geographic scale in a major program activity area (e.g., increasing public outreach throughout a State). Alternatively, it may be intensive in being targeted to a more limited geographical area (e.g., enforcement in that area). At a minimum, an SI must include problem analysis, identification of goals for the target wetlands, evaluation of options to achieve the goals, an action plan, implementation, and an evaluation of results. As a guide, an SI should constitute a program component that represents one-tenth or more of the Region's wetlands program attention. To "initiate" a strategic initiative, the Regional Division Director should approve the action; "complete" an initiative means to have implemented all components of the action plan, with only the evaluation of results remaining to be done. Examples of strategic initiatives include: advance identification, special area management planning, other comprehensive or multi-objective planning, enforcement activity, jurisdiction delineation, public outreach, significant active participation in a resource planning activity of another agency, joint activity with State, tribal or local government, and wetland restoration and/or enhancement.

The performance expectation is that each Region will track existing strategic initiatives and will initiate one new initiative during FY 1990. A more detailed four-page guideline on wetlands "strategic initiatives" is available from the Office of Wetlands Protection.

OFFICE OF WATER

FY 1990

Wetlands Protection Definitions

WO/E-1 MANAGE AN EFFECTIVE SECTION 404 COMPLIANCE/ENFORCEMENT PROGRAM

Section 309(a) administrative compliance orders issued by EPA. As a general rule, such orders should require the violator not only to stop the illegal discharge, but also where feasible to take affirmative action to remove the fill/or restore the site.

Section 309(g) administrative penalty complaints issued by EPA.

Civil section 404 cases that a Region refers, either independently or jointly with the Corps, to DOJ for judicial action.

Criminal section 404 cases that a Region refers to DOJ for prosecution.

Number of cases resolved during the quarter under each of the following categories:

Number of cases resolved through voluntary compliance, which occurs where the Region has not initiated any formal enforcement action against an illegal discharger, but instead achieves compliance through informal processes.

Number of section 309(a) compliance orders where the violator has complied with the terms of the order.

Number of section 309(g) administrative penalty actions in which the respondent has paid the penalty to the Region or, in those situations where payment is due and not forthcoming, where a federal district court has issued a final order requiring payment of the assess penalty.

Number of civil judicial referrals which have resulted in a federal district court entering a final order in the case.

Number of criminal judicial referrals which have resulted in a federal district court entering a final order in the case.

OFFICE OF WATER
FY 1990
Water Regulations and Standards

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<p>Effectively implement the WQS Program through adoption of numeric criteria in State water quality standards.</p> <p>..</p>	<p>Identify, against targets, the States that formally adopt (and obtain an EPA approval action for) numeric criteria (both aquatic life and human health criteria) for 307(a) priority pollutants to protect designated uses for all waters that need such criteria. Report the cumulative number of aquatic life criteria and human health criteria adopted in a water quality standard in each State.</p>	WQ-3	Second/ fourth

OFFICE OF WATER
FY 1990
Water Regulations and Standards

OBJECTIVE	MEASURE	SFMS CODE	FREQUENCY
<p>Identify waters where water quality is known or is suspected of being impaired due to toxic pollutants or toxicity.</p>	<p>Identify by State, against quarterly targets, the number of Regional approvals/disapprovals (following public notice) of 304(1)/303(d) lists and the number of Regional final promulgations of 304(1)/303(d) lists.</p>	WQ-4	Quarterly
<p>Conduct water quality assessments to identify problems and determine effectiveness of water pollution control programs.</p>	<p>Identify by Region, the number of waterbodies and the number of stream miles, lake acres, estuary segments, coastal miles, and Great lakes shore miles that States assess through (1) monitoring or (2) evaluation, according to EPA guidance for 305(b) reporting. Identify the number that support, partially support, or do not support designated uses. Identify the number of waters that do not fully support designated uses due to nonpoint sources of pollution and the numbers of those water affected by each category of nonpoint source pollution.</p>	WQ-5	Fourth

OFFICE OF WATER
FY 1990
Water Regulation and Standards

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Ensure timely implementation of approved NPS Management Program elements	Identify by State, against targets, the number of Statewide programs and watershed programs and projects identified in approved and initiated NPS Management Programs or portion of those programs that (1) are completed in FY 90 and (2) have been initiated but will not be completed until FY 91 or later.	WQ-6	Second and Fourth
Assist Indian Tribes treated as States to obtain program grants under the CWA.	Identify by Region and State, the number of Indian Tribes qualified to be treated as a State and the number that submit grant applications. List Tribes that receive grants (by name) and for what purposes (major activities and funding sources).	WQ-7	Fourth

OFFICE OF WATER

FY 1990

Water Regulations and Standards Definitions

WO-3 Implement WQS Program

This measure implements EPA's "Guidance for State Implementation of Water Quality Standards for CWA Section 303(c)(2)(B)" issued December 12, 1988. It tracks the number of States that adopt numeric criteria for 307(a) priority pollutants in a water quality standard.

By February 4, 1990, all States are expected to meet the requirement to adopt numeric criteria in a water quality standard for section 307(a) priority pollutants for which EPA has developed section 304(a) criteria, as necessary to protect designated uses. Water quality standards should be adopted for all such pollutants by stream segment based on information from candidate, preliminary, and final 304(1) lists; State Toxics Program Reviews; and other sources available at the time of the triennial review. This requirement is met for a specific pollutant if a State documents that adoption of a criterion for that pollutant is not necessary because the pollutant is not reasonably expected to interfere with designated uses.

An exception to the requirement to adopt numeric criteria by February 4, 1990, is for those few States who were so close to completing a triennial review at the time the Water Quality Act of 1987 was passed that it was unreasonable to expect the State to meet the requirement during that review. In that case, the State has until the end of FY 1990 to meet the requirement. As indicated in the guidance on implementing section 303(c)(2)(B), EPA will not accept a delay to the next triennial review to comply with this requirement.

As data become available from updated 304(1) lists, water quality assessments, and other sources, States are expected to revise State water quality standards accordingly. If a State fails to complete a water quality standards review during the scheduled triennial review cycle, the universe of waters and 307(a) priority pollutants for which numeric criteria should be adopted should be reflected in the following year's SPMS commitment. This should occur only if the Region determines that the State is at a point in the water quality standards review process where adoption of numeric criteria for 307(a) priority pollutants will delay the current review process.

OFFICE OF WATER

FY 1990

Water Regulations and Standards Definitions

WQ-3 Implement WQS Program (cont.)

The adoption of either numeric criteria for 307(a) priority pollutants (Statewide or site-specific) or a narrative criterion with an approved procedure to translate the narrative into derived numeric criteria in a water quality standard will meet this measure. The EPA approval action for the adopted water quality standard (resulting in approval, partial approval, or disapproval) must also be completed for this measure to be satisfied. Targets for the number of States that meet this measure must be developed for the second and fourth quarters of FY 1990 and performance data for this measure must be submitted for those quarters.

Numeric criteria must be adopted for the 307(a) priority pollutants needed to protect designated uses for all waterbodies identified in Monitoring OWAS measure (1)(a). If a State adopts all section 304(a) criteria for the 307(a) priority pollutants for all waters, this measure is satisfied.

The 307(a) priority pollutants for which numeric criteria are needed are identified from information used to develop section 304(1) lists, including monitoring data, permit applications, 305(b) reports, and data in the 16 categories of data that had to be reviewed when developing 304(1) lists. The number of 307(a) priority pollutants for which EPA has developed section 304(a) criteria is increasing each year, but now stands at 23 for aquatic life protection and 109 for protection of human health.

The measure also requires that States report the cumulative number of aquatic life criteria and human health criteria adopted for 307(a) priority pollutants in a water quality standard.

OFFICE OF WATER

FY 1990

Water Regulations and Standards Definitions

WO-4 304(1)/303(d) Lists and Promulgations

In FY 1989, this measure tracked the progress of States in preparing and submitting 304(1) lists and Regional approvals/disapprovals of those lists. Statutory deadlines required that final 304(1) lists be submitted in FY 1989. However, because of public participation requirements for disapprovals and for approvals where States public participation is inadequate, some Regional approvals/disapprovals may not be completed in FY 1989. Further, because EPA promulgations may occur up to one year following disapproval of a 304(1) list, final promulgations may not be completed in FY 1989. This measure tracks the number of Regional approvals/disapprovals and promulgations of 304(1) lists and sources/amounts of pollutants that occur in FY 1990.

Quarterly targets should be established for both approvals/disapprovals and for the final promulgations of 304(1) lists and sources/amount of pollutants. Performance data for this measure must be submitted quarterly. In cases where a Region disapproves a 304(1) list; begins the promulgation process; and the State then revises/updates the 304(1) so that it can be approved by EPA, that 304(1) list is counted in the target for the Regional promulgations.

WO-5 Water Quality Assessments

This measure tracks the number of waterbodies and the number of stream miles, lake acres, estuary/segments, coastal miles and Great Lakes shore miles assessed by each State or Indian Tribe treated as a State; the water quality status of those waters; and the impact of each category of nonpoint sources of pollution on the waters. Water quality assessments are discussed in EPA's "Guidance for the Preparation of the 1990 State Water Quality Assessment -- 305(b) Reports."

OFFICE OF WATER

FY 1990

Water Regulations and Standards Definitions

WQ-5 Water Quality Assessments (cont.)

The assessment guidance established two categories of assessed waters (1) monitored - waters for which current site-specific monitoring data exist and (2) evaluated - waters for which other types of data, such as land use information from predictive models and ambient data older than five years, exist. Use of these two categories establishes a level of confidence for water quality data.

A waterbody is defined as either a free flowing stream reach identified in EPA's River Reach File or an entire or identifiable portion of an open water such as a large lake, estuary, or embayment. When a River Reach number is not available, a water should be identified by name and latitude/longitude from 7 1/2 minutes USGS topo maps. Geographically separated areas on large open waters (e.g., two different cities on the Chesapeake Bay) should be counted as separate waters.

The number of waters assessed, the water quality status of those waters, and the impact of the different categories of nonpoint pollution on those waters should be reported by Region in the fourth quarter. The Office of Water compiles data from the Waterbody System, State 305(b) reports, and 205(j)(2)(C) updates in the fourth quarter.

WQ-6 Nonpoint Sources

This measure tracks, by State, the number of statewide programs and watershed programs and projects in approved NPS Management Programs or portions of those programs that: (1) are initiated and completed in FY 1990 and (2) have been initiated but will not be completed until FY 1991 or later. For the purpose of this measure, statewide programs include educational programs, sediment and erosion control programs, and forest protection and preservation programs. Statewide programs also include the enactment or adoption of legislation or regulations as well as the achievement of full funding and staffing levels necessary for carrying out key nonpoint source control activities.

OFFICE OF WATER

FY 1990

Water Regulations and Standards Definitions

WQ-6 Nonpoint Sources (cont.)

This measure begins the process of shifting the nonpoint source management and control program from the development stage in FY 1989 to implementation. Because the long-term focus of the nonpoint source program is on watershed and site-specific clean-up projects, this measure will be modified in FY 1991 to place highest priority on identifying and tracking major watershed and site-specific nonpoint source pollution control programs and projects.

WQ-7 Indian Tribe Program Grants

This measure assesses Agency progress in awarding CWA program grants to qualified Indian Tribes as required by the WQA of 1987. Specifically, it tracks (by Region) the number of Indian Tribes as qualified to be treated as a State, the number of Tribes that submit grant applications, and the list of Tribes that receive CWA program grants (include major activities and funding sources). Describe Regional procedures for reviewing and ranking Indian Tribe grant proposals and for evaluating performance.

OFFICE OF WATER
FY 1990
Water Enforcement and Permits

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Assess toxicity control needs and reissue major permits in a timely manner.	Track, against targets, the number of permits reissued to major facilities during FY 90 (report NPDES States and non-NPDES States separately).	WQ-11	Q 1,2,3,4
	Identify the number of final permits reissued and the number modified during FY 90 that include water quality based limits for toxics. Of these, report number that are Individual Control Strategies (NPDES States, non-NPDES States; report major and minors separately.)	WQ-12	Q 1,2,3,4
Assure NPDES permits are fully in effect and enforceable.	Identify, by Region, the number of pending evidentiary hearing requests and track, by Region, progress against quarterly targets for the evidentiary hearing requests for major permits pending at the beginning of FY 90 resolved by EPA and for the number resolved by NPDES States.	WQ-13	Q 1,2,3,4
Effectively implement approved local pretreatment programs.	Track, by Region, against quarterly targets, for approved local pretreatment programs: 1) the number audited by EPA and the number audited by approved pretreatment States; and 2) the number inspected by EPA and the number inspected by States.	WQ-14	Q 1,2,3,4
Reissuance of priority municipal permits which contain interim sludge conditions.	Track, against targets, total number of permits issued to priority sludge facilities containing sludge conditions necessary to meet the requirements of CWA section 405(d)(4).	WQ-15	Q 1,2,3,4
Encourage permitting efforts in near coastal waters.	Identify the number of permits reissued in near coastal waters (report separately: NPDES States and non-NPDES States).	WQ-16	Q 1,2,3,4

OFFICE OF WATER
FY 1990
Water Enforcement and Permits

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain high levels of compliance in the NPDES program.	Track, by Region, the number of major permittees that area: on final effluent limits and not on final effluent limits (list separately: municipal, industrial, Federal facilities; NPDES States, non-NPDES States).	WQ/E-4	Q 1,2,3,4
	Track, by Region, the number and percentage of major permittees in significant noncompliance with: final effluent limits; construction schedules; interim effluent limits; reporting violations; pretreatment implementation requirements (list separately; municipal, industrial, Federal facilities; NPDES States, non-NPDES State).	WQ/E-5	Q 1,2,3,4
	Identify, by Region, the number of major permittees in significant noncompliance on two or more consecutive QNCRs without returning to compliance or being addressed by a formal enforcement action (persistent violators). Of these numbers, identify how many are in significant noncompliance for three quarters and how many for four or more quarters. (Report separately: municipal, industrial, Federal).	WQ/E-6	Q 1,2,3,4
	Report, by Region, the number of major permittees that are on the previous exception list which have returned to compliance during the quarter, the number not yet in compliance but addressed by a formal enforcement action by the QNCR completion data, and the number that were unresolved (not returned to compliance during the quarter or addressed by a formal enforcement action by the QNCR completion date). (Report separately: municipal, industrial, Federal facilities).	WQ/E-7	Q 1,2,3,4

OFFICE OF WATER
FY 1990
Water Enforcement and Permits

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain high levels of compliance in the NPDES program. (continued)	Report, by Region, the total number of (a) EPA Administrative Compliance Orders and the total number of State equivalent actions issued; of these report the number issued to POTWs for not implementing pretreatment; (b) Class I and Class II proposed administrative penalty orders issued by EPA for NPDES violations and pretreatment violations; and (c) Administrative penalty orders issued by States for NPDES violations and pretreatment violations.	WQ/E-8	Q 1,2,3,4
Effectively enforce the pretreatment program.	Report, by Region, the active State civil case docket, the number of civil referrals sent to the State Attorneys General, the number of civil cases filed, the number of civil cases concluded, and the number of criminal referrals filed in State courts	WQ/E-9	Q 1,2,3,4
	Identify, by State, the number of POTWs that meet the criteria for reportable noncompliance (RNC) and tract by State the number of POTWs in that universe where action taken either resolved or established an enforceable schedule to resolve RNC. report separately by State for each action taken: technical assistance, permit/program modification, or formal enforcement. Report, by State, the compliance status (RNC, resolved pending, resolved) of each POTW in the universe as of the end of the year.	WQ/E-10	Q 1,2,3,4

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OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Identify compliance problems and guide corrective action through inspections.	Track, by Region, against targets, the number of major permittees inspected and least once (combine EPA and State inspections and report as one number).	WQ/E-12	Q 1,2,3,4

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WQ 11/12 Permit Reissuance; Toxic Permits

The universe for measure WQ-11 is the total number of major permits with expiration dates before October 1, 1990, according to PCS data on October 10, 1989 (i.e., the number of major permits that have or will expire by the end of FY 90). Measure WQ-11 is the total number of major permits issued with issuance dates (i.e., date signed by permit authority) during FY 90. Status as of the close of each quarter will be taken from PCS on the 10th of the month following the end of the quarter.

Measure WQ-12 is all permits (major and minor) that include water quality based limits on specific chemicals or whole effluent toxicity and with issuance (modification) dates (i.e., date signed by EPA or State permit authority) during FY 90. Of those permits, the number that are ICSSs is to be identified. This measure deals only with final permits; however, because ICSSs may also be draft permits with a schedule for final issuance, this number of ICSSs will not include all ICSSs. WQ-12 is specifically designed to count water quality-based permits issued in FY 1990. ICSSs are a subset of this universe. Since "limit" is specifically designed to exclude permits which only include monitoring requirements, such permits would not be counted as ICSSs.

A water quality-based permit limit is a limit that has been developed to ensure a discharge does not violate State water quality standards. Such limits are expressed as maximum daily and average monthly values in Part I of the NPDES permit. They can be expressed as concentration values for individual chemicals and/or pollutant parameters such as effluent toxicity. Effluent toxicity can also be expressed in toxic limits. Limits should be reflective of data available through water quality-based assessments and should protect against impacts to aquatic life and human health.

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

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Performance Expectation: The goal of the State and EPA NPDES program is to have reissued major and minor permits in effect on the date the prior permit expires. Permit applications are due and should be acted upon during the last six months of a permit's term. Most States and Regions, should be able to reissue 100% of their expiring major permits except where unusual, complex and difficult issues prevent timely permit reissuance.

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

WQ 13 Evidentiary Hearings

The term "evidentiary hearing" is meant to encompass not only EPA issued permit appeals pursuant to 40CFR 124 but also any NPDES State issued permit appeals (whether adjudicatory or non-adjudicatory in nature). The meaning includes any and all administrative appeals to permit conditions for major facilities, whether the appeals stay or do not stay permit conditions. Evidentiary hearings for EPA issued permits are not considered to be pending if they are on appeal to the Administrator as of the beginning of FY 1990.

An evidentiary hearing should be regarded as resolved once a final decision has been issued, a negotiated settlement has been reached, or the appeal of an initial decision has been denied.

Performance Expectation: Evidentiary hearings should be resolved as expeditiously as possible. The target should reflect resolution of all pending hearings. Although the measure is intended to reduce the backlog of pending hearings consideration should be given to new hearings requests made during FY90 that have priority over pending requests. Such requests may be counted against commitments where they are priority cases (based on Regional/State evaluation).

WQ 14 Pretreatment Audits and Inspections

A local pretreatment program audit is a detailed on-site review of an approved program to determine its adequacy. The audit report identifies needed modifications to the approved local program and/or the POTW's NPDES permit to address any problems. The audit includes a review of the substantive requirements of the program, including local limits, to ensure protection against pass through and interference with treatment works and the methods of sludge disposal. The

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auditor reviews the procedures used by the POTW to ensure effective implementation and reviews the quality of local permits and determinations (such as implementation of the combined wastewater formula). In addition, the audit includes, as one component, all the elements of a pretreatment compliance inspection (PCI).

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

The pretreatment compliance inspection (PCI) assesses POTW compliance with its approved pretreatment program and its NPDES permit requirements for implementation of that program. The checklist to be used in conducting a PCI assesses the POTW's compliance monitoring and enforcement program, as well as the status of issuance of control mechanisms and program modifications. A PCI must include a file review of a sample of industrial user files. Note that this measure tracks "coverage" of approved pretreatment programs, not the number of audits or inspections conducted, which may be greater than the number of programs since some programs may be inspected/audited more than once a year.

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

WO-15: Sludge Permitting

Priority sludge facilities are: 1) pretreatment POTWs; 2) POTWs that incinerate their sludge; and 3) any other POTWs with known or suspected problems with their sludge quality or disposal practices. Pretreatment POTWs and POTWs that incinerate sludge may be considered to be non-priority if such decision is supported by information showing no cause for concern. The sludge conditions are to be included in permits as the NPDES permit expires and is reissued. The sludge

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conditions may be incorporated in another permit (such as a permit issued under the Clean Air Act, or a State permit pursuant to an agreement between EPA and the State) and referenced to the NPDES permit.

WO-16: Near Coastal Waters Permitting

In accordance with EPA's near coastal waters initiative and the Marine Policy, Regions with coastal dischargers will accelerate actions for reissuing permits to these facilities. A near coastal water is one with measurable salinity and tidal influences. Permits should contain water quality based limits based on available wasteload allocations and should be analyzed for persistent, bioconcentratable toxicants. EPA's Permit Writers Guide for Marine and Estuarine Waters should be followed. This measure includes all expired or expiring permits (major and minors) reissued in FY 90 (not modifications).

WO E-4/5 NPDES Compliance

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

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

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

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A facility is reported to be in significant noncompliance for failure to comply with pretreatment implementation requirements when it meets the criteria identified in the guidance defining significant noncompliance for pretreatment implementation.

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

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

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

- interim effluent limits
- interim effluent limits and reporting requirements

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

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

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NO E-6/7 Exceptions List

NOTE: For SPMS report the number only. As part of OWAS, report both the number and the name and the number of quarters the facility has been in SNC.

Also, the name list must be submitted with the numbers; only the fact sheet, with justification, will be reported by the 15th day of the beginning of the next quarter. In regard to all major permittees listed in significant noncompliance on the Quarterly Noncompliance Report (QNCR) for any quarter, Regions/NPDES States are expected to ensure that these facilities have returned to compliance or have been addressed with a formal enforcement action by the permit authority within the following quarter (generally within 60 days of the end of that quarter). In the rare circumstances where formal enforcement action is not taken, the administering Agency is expected to have a written record that clearly justifies why the alternative action (e.g., enforcement action, permit modification in process, etc.) was more appropriate. Where it is apparent that the State will not take appropriate formal enforcement action before the end of the following quarter, the States should expect the Regions to do so. This translates for Exceptions List reporting as follows:

Exception Lists reporting involves tracking the compliance status of major permittees listed in significant noncompliance on two or more consecutive QNCRs without being addressed with a formal enforcement action. Reporting begins on January 1, 1990 based on permittees in SNC for the quarters ending June 30, and September 30, that have not been addressed with a formal enforcement action by November 30. Regions are also expected to complete and submit with their Exception List a fact sheet which provides adequate justification for a facility on the Exception List. The fact sheet should be submitted by the 15th day of the beginning of the next quarter. After a permittee has been reported as returned to compliance or addressed by a formal enforcement action, it should be dropped from subsequent lists.

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

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

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

WO E-8 Administrative Orders

Headquarters will report EPA Administrative Compliance Orders (AOs) and State equivalent actions from PCS. All AOs must be entered into PCS by the 2nd update of the new quarter to be counted in the report. (Include: POTW implementation type pretreatment AOs; TU AOs under pretreatment section 2(a)). The number of proposed EPA administrative penalty orders should be tracked by Class I and Class II. For State-issued orders, proposed or initial orders should be counted where there is a two step process (i.e., proposed and final).

WO E-9 Referrals

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

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WO E-10 Reportable Noncompliance

Regions and/or States should apply reportable noncompliance (RNC) criteria to all approved POTW pretreatment programs at least twice between July 1989 and June 1990. All reporting should be a summary of information that is listed and updated on the QNCR on a quarterly basis.

Report POTWs in RNC by EPA State (non-pretreatment State) or pretreatment State. Refer to the Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Requirements (Reportable Noncompliance Guidance) for a definition of reportable noncompliance by pretreatment POTWs. The second quarter report should include the number of POTWs that met RNC between July and December 1989. If a POTW was identified as RNC before July, 1989 and still meets the criteria, it should be counted on the second quarter report. For the fourth quarter report include POTWs in RNC between January and June 1990 and POTWs reported for the second quarter that were not resolved or resolved pending. Credit is given for any of the three actions, listed in the measure, that resolves RNC (i.e., results in resolved pending or resolved status). However, if technical assistance is the chosen approach, a schedule for compliance should be established. If the schedule is 90 days or longer, it should be incorporated into an enforceable document. End of year compliance status should be reported for all POTWs that were identified as RNC between July 1989 and June 1990. Report the total number of POTWs that are considered reportable noncompliance (RNC), resolved pending (RP), or resolved (RE) as of the final report. POTWs that are in compliance with enforceable administrative or judicial schedules to resolve RNC as of the final report date should be counted as RP.

WO E-11 Pretreatment Referrals

The active case docket consists of all referrals currently with the State Attorney General and the number of referrals filed in State Courts. OECM will report the same data for Federal referrals; State referrals will be reported to the Regions.

WO E-12 Inspections

As the inspections strategy states, all major facilities should receive the appropriate type of inspection each year by either EPA or the State. As part of the NPDES inspection, verification of sludge management practices should be conducted as appropriate. EPA and States collectively commit to the number of major permittees inspected each year with

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

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

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

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

When conducting inspections of POTWs with approved pretreatment programs, a pretreatment inspection component (PCI) should be added, using the established PCI checklist. An NPDES inspection with a pretreatment component will be counted toward the commitments for majors, and the PCI will count toward the commitment for POTW pretreatment inspections. (This will be automatically calculated by PCS.) Regions are encouraged to continue CSI inspections of POTWs where appropriate. Industrial user inspections done in conjunction with audits or PCIs or those done independent of POTW inspections will be counted as IU inspections. Tracking of inspections will be done at Headquarters based on retrievals from the Permit Compliance System (PCS) according to the following schedule:

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INSPECTIONS

<u>RETRIEVAL DATE</u> The First working day after the second update in:	
July 1, 1989 through Sep. 30, 1989	Jan. 1990
July 1, 1989 through Dec. 31, 1989	April 1990
July 1, 1989 through March 31, 1990	July 1990
July 1, 1989 through June 30, 1990	Oct. 1990

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

Note: SMS only tracks the number of major permittees inspected. OWAS tracks the number of inspections.

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OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
State Revolving Fund Management	Track, by Region, progress against quarterly targets for (1) net outlays for combined construction grants and SRF, (2) net outlays for construction grants, and (3) net outlays for State Revolving Fund (SRF) program.	WQ-8	Q 1,2,3,4
	Track, by Region, progress against quarterly Regional Headquarters targets for the number of States, by name, which have been awarded an SRF capitalization grants (cumulative by quarter).	WQ-9	Q 1,2,3,4
Management of On-going Construction Grants Program	Track, by Region, progress against quarterly targets for the number of Step 3, Step 2+3, Step 7, Marine CSO and PL 87-660 projects administratively completed.	WQ-10	Q 1,2,3,4

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WO-8 STATE REVOLVING FUND MANAGEMENT

Percents of cumulative net outlays for construction grants and State Revolving Fund SRF to program commitment - The net sum of payment made and recovered from PL 84-660 projects PL 92-500 206(a) reimbursable projects, PL 92-500 contract authority projects, as well as projects funded with Talmadge/Numm, FY 1977 supplemental, FY 1978 through FY 1990 budget authority, Section 205(g) funds, Section 205(j) funds, Section 205(m) funds and all Title VI funds appropriated expressly for SRF.

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

WO-9 STATE REVOLVING FUND MANAGEMENT

Number of SRF Capitalization Grants Awarded (cumulative by quarter) - This is a joint commitment by the Regions and Headquarters. All the States are expected to be awarded an SRF capitalization grant by the end of FY 1990. Regions are expected to base the proposed commitment on discussions with the States relative to the anticipated complexity of the State's program and the need for review by Headquarters. Headquarters will review and concur in the awards involving aggressive leveraging or use of the fund to derive the State match. Where Headquarters review is needed, Headquarters will negotiate final commitments jointly with the Regions. Headquarters will commit to a forty-five day review of an application submitted by the Region.

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NO-10 MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANTS PROGRAM

Number of Step 3, Step 2+3, Step 7, Marine CSO, and PL 84 84-660 projects administratively completed - A project is considered administratively complete when a final audit is requested, or for projects that cannot be sent to OIG because of related on-going projects, when all of the administrative completion requirements have been satisfied.

Performance Expectation:

The goal will be to begin FY 1991 with no backlogged projects.

An acceptable commitment would be the number of projects that must be completed in FY 1990 in order to enter FY 1991 with no backlogged projects minus those projects that the Region and Headquarters mutually agree are not able to be completed during FY 1990.

A "backlogged project" is defined as:

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

U.S. Environmental
Region 5, Lab
200 S. Dearborn St.
Chicago, IL 60604

