



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

OFFICE OF THE
ADMINISTRATOR

SUBJECT: FY 1977 Regional Operating Guidance

FROM: John R. Quarles, Jr.
Deputy Administrator

A handwritten signature in dark ink, appearing to read "John Quarles", is written over the typed name and title of the Deputy Administrator.

TO: Regional Administrators

Attached is the FY 77 Regional Operating Guidance. This document provides the basic operating guidance for the Regions for the coming fiscal year, including general program direction, priorities, and the specific outputs and reporting requirements that will be used to follow regional progress. This year we have again included a list of national priorities to provide an overview of the relative importance of the major regional responsibilities.

All of you, as well as State and local governments and non-government individuals, have participated in preparing the operating guidance. These efforts have greatly strengthened the guidance, making it more representative of "real world" needs. At the same time, we have significantly reduced the burden of the system while maintaining those essential elements necessary for effective implementation of the "Management-By-Objectives System."

The MBO System has become a MOST IMPORTANT management tool in guiding the Nation's pollution abatement program. It is a system on which Russ Train and I heavily depend as do the National Program Managers. The FY 1977 regional guidance is particularly significant because many of the major statutory milestones under the Federal Water Pollution Control Act and the Clean Air Act, as well as others, come due. The real measure of progress of the Nation's pollution abatement effort will be against these dates. As always, it is very important that our program plan be developed around the guidance and be precise and aggressive in assuring maximum compliance with these milestones.

I would point out that implicit in all the objectives are the requirements for the strongest possible partnership with the States and local governments and for intergovernmental cooperation and public information and participation generally. I cannot over-emphasize the importance of these in all of our programs.

A lot of hard work has gone into the preparation of this guidance. Russ and I are greatly appreciative of these efforts. I urge that all key regional personnel study the entire package.

Enclosure

This is the best effort we have made to set forth a comprehensive summary of EPA's policies and objectives.

Please review these items carefully with your state counterparts, so that our programs for next year will be a truly effective Federal-State Partnership!

FY 77 REGIONAL GUIDANCE

Executive Summary

The Purpose of "Management by Objectives"

For over three years the Formal Planning and Reporting System (FPRS) has been the foundation of EPA's planning and management process. FPRS is a type of management-by-objectives system designed to serve a decentralized organization like EPA. It establishes a framework for defining quantifiable activities and objectives, and it provides Agency Management with information about achievements. The basic mechanism for conveying this information is a periodic milestone report showing progress versus commitments. But these numbers are not the only means for management oversight.

The numerical reporting system can provide only partial understanding of program operations. Problem identification starts with numerical reporting, but problem solution must come from the manager's detailed knowledge of a particular program. This detailed knowledge cannot come from numerical reporting. *Don't let management become a numbers game!*

FPRS should, therefore, be more than just another reporting system. It should be used as a basis for communication between program managers and program personnel, and as an aid in problem identification.

Partnership with State and Local Governments

EPA is committed to ensuring that the State and local governments are able and willing to accept a larger responsibility for pollution control problems, especially those best handled by the governments closest to the problems.

✓ This year's guidance has been reviewed by the States prior to its publication to help assure that our efforts are coordinated. Also, the basic guidance for both the air and water control agency grants activities has been integrated into the air and water guidance sections.

In mining output commitments with the States, the Regions should have a realistic assessment of each State's current manpower and training problems which could significantly impact their particular program areas. To help correct some of those problems, you should fully utilize all Federal block grant manpower and education programs such as CETA Vocational Education. Regional programs should encourage State pollution control agencies to establish cooperative agreements with the CETA state prime sponsors and State Vocational Education agencies to meet manpower needs. Any assessment of the States' prospects for correcting critical manpower and skill problems, especially at the technical and sub-professional levels, should consider these important resources available to the States.

Civil Rights

Among the activities which support the highest priorities are equal employment opportunity and Civil Rights programs. In these areas, you should emphasize EPA's commitment to the furtherance of minority hiring on the EPA construction projects, the utilization of minority-owned businesses when contracting for supplies and services in both direct and indirect procurement; assurance that employment practices of grant recipients as well as services provided by EPA grants are on a nondiscriminatory basis; and that employees on EPA construction projects are paid the prevailing wages rates as required by the Davis-Bacon Act.

Resource Targets

Preliminary resource targets are included as part of this guidance. Final Regional resource targets will not be available until early March. Preliminary estimates are that Regions will be receiving approximately 100 new positions in FY 77 (this figure does not include a probable 10 position cut in Regional

pesticides enforcement). These additional positions will be allocated on the basis of need. Therefore not every Region is assured of an increase in every program category. This shift of 100 positions from Headquarters to the Regions demonstrates in real terms that EPA's commitment to decentralization remains firm.

Planning Schedule

The schedule for the remainder of the FY 77 planning cycle has been altered somewhat. Please note the new deadlines and be prepared to meet them.

April 26	Program Plans including program element resource schedules due from Headquarters.
May 1	Initial State program plans (with initial State construction grants project priority list) showing output commitments due to Regional Offices.
April 30 May 21	Regional review of Headquarters Operating plans.
May 21	Regional Plans (including state outputs and Program Element resource schedules) due to Headquarters.
May 22 June 24	HQ Review and comment on Regional plans and negotiation to arrive at final plans.
June 25	Administrator's/Deputy Administrator's tentative approval of operating plans.
July 15	Submission by States of final project priority lists.
August 15	Approval of final State project priority lists by RA's. Transmittal of information to Headquarters.
September 1	Submission by States of final State program plans.
September 1 October 1	Approval of State plans by Regions. Regions work with Headquarters to revise output commitments to reflect final State plans. Final approval of Regional operating plans.
October 1	Beginning of fiscal year.

Public Affairs

Although there are no specific outputs in this document for public affairs, the Office of Public Affairs has been asked to define short and long range Agency goals, to suggest Regional activities that should be undertaken to achieve those goals, and to develop procedures to evaluate the Headquarters and Regional performance in supporting public affairs programs. EPA must ensure that State and local governments, environmentalists, industry, farmers, consumers, youth, and the general population understand the Agency's policies. Public opinion can have a critical impact on EPA programs. Regional Administrators should have sufficient resources devoted to public information programming so that our public affairs goals can be achieved.

FY 77 Reporting

An Ad Hoc Operating Committee on Reporting has been established to undertake a comprehensive review of Agency reporting. Of specific interest to the Committee will be EPA's reporting impact on State and local governments, and individuals as well as other segments of the private sector. The principal focus of the Committee will be public-use reporting, inter-agency reporting and internal and ADP based information and data systems. It is critical that all Regions vigorously support this effort.

A second interest area for FY 77 will be strengthening the Reports Management Program (RMP) in each Region. Information is a costly resource that should be subjected to the same management oversight as our other resources. It is important that each Regional

Administrator give full support to this program and insures that all information flows through approved channels, and that the reporting costs are reasonable in view of the benefits expected.

The relative reporting requirements for FY 77 as compared to FY 76 are:

<u>Total</u>	<u>FY 76</u>	<u>FY 77</u>
Output Units	110	98
Activity Indicators	124	112
Reporting Units*	14378	13572

* Reporting Units: Number of output units and activity indicators times their reporting frequency times the number of reporting organizations (i.e. 10 Regions or 55 States and Territories).

Water Quality

In FY 77, the Agency's highest water quality priorities are the improved management of the Construction Grants program, the compliance assurance of major dischargers with NPDES permits, the reissuance or modification of municipal discharge permits with inadequate treatment, and the implementation of the water quality management planning process ("208 program").

The Construction Grants section of this guidance is subject to change as the result of the proposed operating guidance amendment that was sent out for Regional review Feb. 9, 1976. Regions should review this proposal carefully, since it will serve as the basis for FY 77 program planning if approved. Also,

at some time in the future outputs and activity indicators will be developed dealing with upgrading the quality of construction grants.

Another area of great concern is the results of the Standing Work Group on Water Monitoring. The Work Group is defining minimum programs for ambient and effluent monitoring, which will provide a basis for FY 78 monitoring outputs. The Work Group will be examining and reorienting water monitoring programs where necessary.

Water Supply

The public water system program will see a great expansion in activity this year as more and more States move towards primary enforcement responsibility. EPA and the States will have to work closely to ensure that Regional-State resources are being applied in the best manner to achieve the goals of the Safe Drinking Water Act.

The Underground Injection Control (UIC) program will likewise receive increased attention as the UIC regulations are published and implemented. EPA - State cooperation will be a cornerstone for the management of this vital effort.

Air

Current efforts should identify factors affecting non-attainment in each AQCR by July 1976. Once the reasons for non-attainment have been identified, an action plan must be developed and implemented to correct the problems on a prioritized basis. This action plan will include increased enforcement, SIP revision, or whatever is required. Given the complexity and variation of air pollution problems nationally, a rigid system of setting priorities for all AQCR's is not appropriate. There will be some 40 additional air positions for the

Regions (20 for Enforcement, 20 for Abatement and Control).

A Standing Air Monitoring Work Group has been established to perform the same type of analysis for the air program as mentioned earlier for the water program. The charge to both groups is the same: How much data is needed for what purposes; how should it be collected and stored; by whom; and at what cost? State and local government officials will be involved in these work groups.

Pesticides

In spite of a one year extension for applicator certification, the Regions will have to work hard to see that acceptable State plans have been approved and are being implemented. Pesticides enforcement will continue to implement the use enforcement program while at the same time continuing producer and marketplace surveillance at an effective level. This year priority emphasis is to be placed on strengthening Federal/State cooperation in the enforcement of FIFRA. A new cooperative enforcement grant-in-aid program approved for FY 77 will facilitate this effort. The Regional pesticide program should be concerned especially with involving States with program planning and execution. State participation is essential for a successful program since EPA's pesticides resources are too limited to provide the broad coverage that is needed. Similarly, Regional staff this year should make a special effort to interact with farmers and farm organizations and promote a better understanding of EPA's pesticides programs.

Solid Waste, Radiation, and Noise

The Regional solid waste, radiation, and noise programs will continue to

emphasize giving technical assistance to States and localities. In the solid waste area, it is particularly important that we stress the development of State and local plans for the proper disposal of solid wastes. The radiation program will emphasize the review of EIS's for nuclear facilities as well as technical assistance.

Federal Activities

Results in both EIS review and new source preparation are particularly important if EPA is to make satisfactory progress toward the goal of pollution prevention. With respect to Federal facilities compliance with applicable environmental standards, EPA must continue to stress the high visibility of Federal performance and the importance of demonstrating leadership and cooperation.

Regional Guidance Outputs Summary

Water

Key to Abbreviations:

Frequency -

- Q = Quarterly
- SA = Semi-Annually
- A = Annually

Reporting Units -

- T = Total for Region including State lead activity
- E = Total for Region exclusive of State lead activity
- ST = One total for all States' activities
- By S = State-by-State reporting
- BY AS = By approved (NPDES) State reporting

Output Title:
Output Units:

1. Municipal Construction
 - A. # of new Step 1 awards (Q, By S)
 - B. # of new Step 2 awards (Q, By S)
 - C. # of new Step 3 awards (Q, by S)
 - D. Total Estimated Obligations (Q, By S)
 - E. # of Step 1 projects completed (Q, By S)
 - F. # of Step 3 projects completed (Q, By S)
 - G. # of Step 3 projects completed (Q, By S)
 1. Total PL 92-500 Project Outlays (Q, T)

Activity Indicators:

Output Title:
Output Units:

2. NPDES Permits
 - A-D # of permits issued or reissued (includes new sources), Major & Minor Municipals & Non-municipals (Q, By S)
 - E. # of major municipal permits modified, Major Municipals, (SA, By S)
 - 1&2 # of dischargers identified that must have a permit, Major, Municipals & Non-municipals (SA, By S)
 - 3&4 # of permits issued and in effect, Major Municipals & Non-municipals (SA, By S)
 5. # of major, non-municipal permits modified (SA, By S)
 6. # of major, non-municipal permits for which modification is requested (SA, T)
 7. # of major non-municipal permits for which modification is denied (SA, T)

Activity Indicators:

Output Title:
Output Units:

3. Compliance Monitoring and Enforcement
COMPLIANCE MONITORING
 - A-D Reconnaissance inspections, Major Municipals & Non-municipals (Q, E&ST)
 - E-H Sampling inspections, Major Municipals & Non-municipals (Q, E&ST)
 - I-H Permittees in compliance with final effluent limitations, Major Municipals & Non-municipals (Q, T)
 - K-L Permittees in compliance with construction schedules, Major Municipals & Non-municipals (Q, T)
 - M. Permittees in compliance with permit conditions, Major Municipals (Q, T)

ADJUDICATORY HEARINGS

N. Unresolved requests (Q, E)

ENFORCEMENT

O-P Notices of violations, Major Municipals & Non-municipals (Q, By AS)

Q-R Administrative Orders, Major Municipals & Non-municipals (Q, E)

S-T 309 Referrals, Major Municipals & Non-municipals (Q, E)

- Activity Indicators:
- 1-4 Permittees in violation with final effluent limits, Major Municipals & Non-municipals (Q, E&ST)
 - 5-8 Permittees in violation with construction schedules, Major Municipals & Non-municipals (Q, E&ST)
 - 9-10 Permittees in violation with permit conditions, Major Municipals (Q, E&ST)
 - 11&12 NPDES violations referred by State, Major Municipals & Non-municipals (Q, ByS)

Output Title: 4. Construction Grants EIS's
Output Units: A. # of final EIS's filed with CEQ (Q, T)
Activity Indicators: None

Output Title: 5. New Sources EIS's
Output Units: None
Activity Indicators: 1. # of new source applications received (SA, T)
2. # of final EIS's filed with CEQ for new source NPDES permits (SA, T)
3. # of new source permits denied because of adverse environmental effects (SA, T)
4. # of negative declarations on new source NPDES permits (SA, T)

Output Title: 6. Federal Facilities (Water)
Output Units: A. Annual on-site inspections of major and minor sources either reconnaissance or sampling (SA, T)
Activity Indicators: 1. # of known major Federal sources subject to NPDES including non-files (SA, T)
2. # of major sources out of compliance (SA, T)
3. # of major sources in compliance (SA, T)

Output Title:
Output Units:

Activity Indicators:

Output Title:
Output Units:

Activity Indicators

Output Title:
Output Units:

Output Title:
Output Units:
Activity Indicators:

- 4. # of major permits issued (SA, T)
- 5. # of minor permits issued (SA, T)

- 7. Water Quality Management Planning
 - A. # of State and areawide planning agencies with all relevant interim outputs completed (SA, T)
 - B. # of States in which the water quality standards review and revision process required by section 303(e) has been completed by the State and any revisions have been approved by EPA (Q, T)
 - C. # of State and areawide planning areas that have selected Best Management Practices for appropriate key outputs of the plan (SUSPENDED UNTIL FURTHER NOTICE.) (SA, T)
 - D. # of areawide plans which have been submitted to the State for pre-adoption review (SA, T)
 - E. # of Phase I Basin Plans adopted by the State and approved by EPA (SA, T)
- 1. # of State and areawide planning areas with regulatory programs (SA, T)
- 2. # of State and areawide planning areas which have identified management agencies. (SA, T)

- 8. Water Monitoring
 - A. # of State Laboratories evaluated (SA, T)
 - B. # of NWQSS stations with current data (Q, T)
 - 1. # of State quality assurance programs (SA, T)
 - 2. # of State monitoring strategies (SA, T)
 - 3. # of data transfer & STORET agreements (SA, T)

- 9. Municipal Operations
 - A. # of municipal O&M inspections (Q, T)

- 10. Oil and Hazardous Substances
 - A. # of SPCC plan inspections (SA, T)
 - 1. # of cases referred to Coast Guard for prevention action (SA, T)
 - 2. # of cases referred to EPA for violation (SA, T)
 - 3. # of spills requiring removal action by EPA (SA, T)
 - 4. # of spills removal actions monitored by EPA (SA, T)
 - 5. # of SPCC Plan Amendment field inspections (SA, T)

Output Title: 11. Ocean Dumping
Output Units: None
Activity Indicators: 1. # of dump site applications (SA, T)
2. # of dump site permits (SA, T)
3. # of enforcement actions (SA, T)

Output Title: 3. Major Source SIP Emission Limitations Compliance
Output Units: A. # of major sources in compliance with SIP standards (Q, By S)
B. # of major sources of unknown compliance status with respect to SIP standards (Q, By S)
C. # of major sources in violation of SIP standards (Q, By S)
D. # of major sources in compliance with scheduled increments of progress (Q, By S)
E. # of major sources of unknown compliance status with respect to scheduled increments of progress (Q, By S)
F. # of major sources in violation of scheduled increments of progress (Q, By S)
G. # of major facilities inspected (Q, E & By S)
H. # of enforcement actions taken by EPA (Q, By S)
Activity Indicators: 1. # of formal inquiries sent (Q, E & By S)
2. # of field surveillance actions taken (Q, E & By S)
3. # of notices of violation issued (Q, E & By S)
4. # of abatement orders issued (Q, E & By S)
5. # of civil/criminal proceedings initiated (Q, E & By S)

Water Supply

Output Title: 1. Water Supply
Output Units: A. # of Public Water System State grants (A, T)
B. # of Public Water System primacy determinations (Q, T)
(C&D suspended until further notice)
C. # of UIC grants (A, T)
D. # of UIC primacy determinations (Q, T)

JFA

Output Title: 1. EIS Review
Output Units: A. % of draft EIS's with pre-draft liaison (SA, T)
B. % of EIS's reviewed on time (SA, T)
Activity Indicators: 1. # of draft EIS's reviewed (SA, T)
2. # of final EIS's rated ER, EU, or 3 as draft (SA, T)
3. # of draft EIS's rated ER, EU, or 3 with pre-final consultation (SA, T)

Activity Indicators:

Output Title: 2. Manpower Development and Training
Output Units: None
Activity Indicator: 1. Ratio of State environmental training needs funded to the State planned needs

Output Title: 4. FEA Combustion Source Prohibition Compliance
Output Units: None
Activity Indicators: 1. # of sources or which administrative process is complete (Q, T)

Air

Output Title: 1. AQCR Status Report
Output Units: A. Completion of status report (Q, By S)
Activity Indicators: None
Output Title: 2. SIP Emission Limitations in Non-attainment AQCR's
Output Units: A. # of major sources in compliance (Q, T)
B. # of major sources in violation (Q, T)
C. # of major sources of unknown status (Q, T)
D. # of minor sources in compliance (Q, T)
E. # of minor sources in violation (Q, T)
F. # of minor sources of unknown compliance status (Q, T)
G. # of major sources inspected (Q, E and ST)
H. # of minor sources inspected (Q, E and ST)
I. # of enforcement actions (Q, T)
Activity Indicators: 1. # of formal inquiries sent (Q, E and ST)

Output Title: 5. NSPS Compliance
Output Units: A. # of operating sources in compliance (Q, T)
B. # of operating sources of unknown compliance status (Q, T)
C. # of operating sources in violation (Q, T)
D. # of sources inspected (Q, E&ST)
E. # of States delegated enforcement of NSPS (Q, T)
F. # of enforcement actions taken by EPA (Q, T)
Activity Indicators: 1. Number of enforcement actions taken by all States in Region (Q, ST)
2. # of NSPS sources for which construction has commenced (Q, T)

Output Title: 6. New Source Construction
Output Units: A. # of State permits audited by EPA (Q, T)
Activity Indicators: 1. # of permits issued by all States (Q, ST)
2. # of permits issued by EPA (Q, E)

- Output Title:
Output Units:
Activity Indicators:
7. Significant Deterioration
None
1. # of source reviews completed (SA, E)
- Output Title:
Output Units:
Activity Indicators:
8. Fuel Additive and Vapor Recovery Regulations
A. # of unleaded fuel inspections (Q, T)
B. # of unleaded gasoline samples tested (Q, T)
C. # of Stage I vapor recovery inspections (Q, T)
1. # of contamination detected (Q, T)
2. # of administrative complaints issued (Q, T)
3. # of notices of violation issued (Q, T)
4. % of facilities in compliance with Stage I regulations (Q, T)
5. % of facilities in compliance with Stage II regulations (Q, T)
6. # of enforcement actions taken by states (Q, T)
7. # of §113 notices of violations issued (Q, T)
- Output Title:
Output Units:
Activity Indicators:
9. Federal Facilities Compliance
A. # of on-site inspections (Q, T)
1. # of major sources in compliance (Q, T)
2. # of major sources in violation (Q, T)
3. # of major sources of unknown compliance (Q, T)
4. # of major sources covered by current consent agreements (Q, T)
- Output Title:
Output Units:
Activity Indicators:
10. Compliance with NESHAP Requirements
A. # of sources subject to NESHAPS (Q, T)
B. # of sources in compliance (Q, T)
C. # of sources inspected (Q, E&ST)
D. # of enforcement actions taken by EPA (Q, E)
E. # of State delegations (Q, T)
1. # of enforcement actions taken by States (Q, ST)
- Output Title:
Output Units:
Activity Indicators:
11. Air Pollution Data
A. # of State labs meeting quality assurance criteria (Q, T)
1. # of State labs visited (Q, T)
2. # of State programs for evaluation of lab capability (Q, T)
- Output Title:
Output Units:
Activity Indicators:
12. Air Quality Data of NAAQS
A. # of pollutant monitors (Q, T)
1. # of monitors visited and evaluated (Q, T)

- Output Title:
Output Units:
Activity Indicators:
13. Accurate emissions Inventories
None
None
- Output Title:
Output Units:
Activity Indicators:
14. Reports on Ambient Air Quality Data
None
None

Pesticides

- Output Title:
Activity Indicators:
1. State Certification Programs Output Units
A. # of States with operating certification programs (Q;T)
1. # of private applicators certified (A, By S)
2. # of commercial applicators certified (A, By S)
3. # of private applicators trained (A, By S)
4. # of commercial applicators trained (A, By S)
- Output Title:
Output Units:
Activity Indicators:
2. Cooperative Enforcement Programs
A. # of States involved in cooperative programs (SA;T)
1. # of producer establishments inspected (SA; By S)
2. # of samples collected at establishments (SA; By S)
3. # of marketplace samples collected (SA; By S)
4. # of foreign import products sampled (SA; By S)
5. # of use, reentry, experimental use investigations (SA; B)
- Output Title:
Output Units:
Activity Indicators:
3. Sections 24(c) and 5(f)
A. # of States with Section 24(c) programs (Q;T)
B. # of States with Section 5(f) programs (Q;T)
None
- Output Title:
Output Units:
Activity Indicators:
4. Industry Compliance with Registration
A. # of producer establishments inspected (Q;T)
B. # of import investigations (SA;T)
C. # of marketplace investigations (SA;T)
1. Number of product labels reviewed at establishment (Q;T)
2. Number of producer establishment samples collected (Q;T)
3. Number of section 9(c) warnings resulting from establishment inspection activities (Q;T)
4. Number of civil complaints resulting from establishment inspection activities (Q;T)
5. Number of import entries reviewed (Q;T)

6. Number of foreign import samples collected (Q;T)
7. Number of import detentions (Q;T)
8. Number of marketplace samples collected (Q;T)
9. Number of section 9(c) warnings resulting from marketplace activities (Q;T)
10. Number of civil complaints resulting from marketplace
11. Number of criminal prosecutions resulting from all product violations (SA ;T)
12. Number of stop sale, use or removal orders resulting from all product/producer violations (SA;T)
13. Number of recalls initiated (SA;T)
14. Number of samples forwarded for chemical analysis (Q;T)

Output Title:
Output Units:
Activity Indicators:

5. Compliance with Label Direction
 - A. # of experimental use observations (Q;T)
 - B. # of use and reentry observations (Q;T)
1. Number of experimental use permits monitored (Q;T)
2. Number of section 9(c) use warnings issued (SA;T)
3. Number of section 14(a)(2) warnings issued (Q;T)
4. Number of civil complaints resulting from use activities (SA,T)
5. Number of cases referred to U. S. attorney on criminal prosecutions resulting from use activities (SA;T)
6. Number of stop sale, use, or removal orders and seizures from use activities (SA;T)

Output Title:
Output Units:
Activity Indicators:

6. Integrated Pest Management
 - None
 - None

Output Title:
Output Units:
Activity Indicators:

7. Accident Control Programs
 - A. # of States with accident control program (A;T)
 - None

Solid Waste

Output Title:
Output Units:
Activity Indicators:

1. Control of Land Disposal Sites
 - A. # of States assessed (A; By S)
 - None

Output Title:
Output Units:
Activity Indicators:

2. Federal Agency Compliance
 - None
 - None

Radiation

Output Title:
Output Units:
Activity Indicators:

1. Review of EIS's
 - A. # of EIS reviews completed for conventional nuclear facilities (SA;T)
 - None

Noise

Output Title:
Output Units:
Activity Indicators:

1. State Legislation
 - A. # of plans to be developed (A;T)
 - None

Preliminary 1977 Resource Targets

The preliminary 1977 resource targets provide a summary of the funds and positions which will be available to each allowance holder for most major programs. Position increases and decreases for regional programs are being held in reserve pending completion of evaluations of regional needs. Final targets will be issued in early March following decisions on the distribution of these increases and decreases. Since positions will be allocated on the basis of need, not every region is assured of an increase in every program category. Similarly, not every region will share in decreases, and some regions may lose more than a straight one-tenth share of a decrease.

Position increases being held in reserve for allocation to the Regions include:

<u>Appropriation and Media</u>	<u>Positions</u>
Abatement and Control	
Air	20
Water Supply	25
EIS Preparation	10
Enforcement	
Air	20
Water Quality	25

The only position decreases not distributed are six positions in Water Planning and Standards and ten positions in Pesticides Enforcement. All dollar decreases have been distributed, including a tentative reduction

in Radiation state program support. This change will be more thoroughly evaluated before final targets are issued and adjustments made if necessary.

Overceiling positions, including Permit overceilings, are excluded from the targets.

US ENVIRONMENTAL PROTECTION AGENCY

PRELIMINARY 1977 RESOURCE TARGETS
1977 FUNDS (\$1000)

MEDIA APPRN	1	2	3	4	5	6	7	8	9	10	771-2R REGIONAL TOTAL
<hr/>											
INTROPL ENERGY											
PEST INTROPL PG M & S R & D	97.4 97.4	73.5 73.5	124.5 124.5	102.4 102.4	162.9 162.9	102.2 102.2	78.3 78.3	68.6 68.6	125.3 125.3	94.5 94.5	1,029.6 1,029.6
AIR	487.6	496.7	719.8	600.7	1,232.8	486.8	290.4	639.5	1,084.8	485.6	6,524.7
WTR QTY	2,118.2	3,964.2	3,358.7	4,987.9	9,410.7	2,942.5	2,278.4	1,896.7	2,117.6	2,444.2	35,519.1
WTR SUP	194.0	205.9	211.2	295.0	253.7	189.8	153.0	215.8	185.1	173.4	2,076.9
SOL WST	77.4	80.2	124.7	144.4	141.9	69.1	116.2	68.6	89.3	77.3	989.1
PEST	144.0	329.7	142.1	404.6	190.0	199.8	196.2	311.9	385.0	194.6	2,497.9
R&D	11.2	29.0	45.4	59.2	42.1	20.4	30.1	70.3	23.5	44.3	375.5
NOISE	39.2	38.2	65.6	46.1	43.1	46.5	22.0	69.1	37.9	26.7	434.4
INTROPL A & C	111.4 3,183.0	356.7 5,500.6	330.2 4,997.7	159.3 6,697.2	334.8 11,649.1	60.4 4,015.3	80.9 3,167.2	101.6 3,373.5	160.7 4,083.9	122.7 3,568.8	1,818.7 50,236.3
AIR	447.6	649.8	966.8	679.3	903.8	501.3	392.1	429.2	771.6	577.7	6,319.2
WTR QTY	1,678.8	2,129.4	2,478.6	2,005.9	2,504.5	1,503.6	986.7	982.7	860.0	878.3	16,004.5
PEST	98.4	309.9	158.0	388.5	380.4	191.5	223.5	103.8	199.9	59.3	2,113.2
PG M & S ENF AA	160.0 2,384.8	137.0 3,226.1	119.4 3,722.8	117.1 3,190.8	181.3 3,970.0	120.1 2,316.5	116.2 1,718.5	115.3 1,631.0	147.8 1,979.3	122.6 1,637.9	1,336.8 25,777.7
AG M & S RG M & S A & R M	1,487.2 1,487.2	2,208.6 2,208.6	1,715.4 1,715.4	1,724.9 1,724.9	2,126.0 2,126.0	1,438.6 1,438.6	1,181.9 1,181.9	1,410.1 1,410.1	1,549.6 1,549.6	1,284.6 1,284.6	16,126.9 16,126.9
GRAND TOTAL	7,152.4	11,008.8	10,560.4	11,715.3	17,908.0	7,872.6	6,145.9	6,483.2	7,738.1	6,565.8	93,170.5

-IAX-

US ENVIRONMENTAL PROTECTION AGENCY

PRELIMINARY 1977 RESOURCE TARGETS
PERMANENT POSITIONS

77T-1

MEDIA / APPRN	1	2	3	4	5	6	7	8	9	10	ADMN	CPM	CRD	CEGC	CAWM	CWHM	RES	TOTAL
INTROPL																		
ENERGY													123					123
													123					123
AIR													473					473
WTR QTY													548					548
WTR SUP													85					85
SCL WST													22					22
PEST													122			35		157
RAD													30					30
INTROPL													215					215
TOX SUB													7					7
PG M ES	4	3	5	4	7	5	3	3	5	4			98					141
R & D	4	3	5	4	7	5	3	3	5	4			1,600			35		1,676
AIR	23	25	35	27	53	26	13	29	42	19					494		29	815
WTR QTY	106	179	164	225	271	141	114	78	103	103						316	3	1,803
WTR SUP	5	5	5	16	14	8	7	10	11	7			18			64	28	210
SCL WST	4	4	5	5	6	3	4	3	4	3					120			161
PEST	7	16	6	16	10	10	7	17	17	8					4	521		639
RAD	2	1	2	2	2	1	1	3	1	2					152		5	174
NOISE	1	1	1	1	1	1	1	1	1	1					64			74
INTROPL	5	20	19	8	17	3	4	6	8	6	3			2	25	3	11	140
TOX SUB																45		45
PG M ES															90	77		167
A & C	157	255	241	300	374	193	151	147	187	149	3		18	2	949	1,026	76	4,228
AIR	26	34	42	35	41	26	22	19	40	24				153			20	482
WTR QTY	70	88	91	81	103	66	39	37	37	29				88			34	763
WTR SUP														4				4
PEST	6	19	10	17	21	9	12	5	10	4				43				156
NOISE														21				21
PG M ES	5	5	5	5	7	5	5	5	6	5	83			34			5	176
ENF AA	108	146	148	138	172	106	78	66	93	62	83			343			59	1,602
REP & I																		
FAC																		
AG M ES											251	1,042						1,293
RG M ES	48	56	54	63	72	47	36	43	50	40								509
A & R M	48	56	54	63	72	47	36	43	50	40	251	1,042						1,802
TOTAL	317	460	448	505	625	351	268	259	335	255	337	1,042	1,741	345	949	1,061	135	9,433

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FY 77 REGIONAL GUIDANCE

February 17, 1976

INTRODUCTION

Purpose of Intermedia Priorities

The purpose of this listing is to provide guidance to the Regional Administrator as to the relative priority among the most important program objectives included in the various sections of the FY 77 Regional Guidance. Regional Administrators should view the intermedia ranking as general guidance to be used first in preparing Regional plans, and secondly in reviewing final Regional plans for consistency with national EPA priorities. This ranking should help ensure that adequate resources are devoted to the first priority national objectives before major commitments are made to elements in the second and third categories. This does not necessarily mean that a direct correlation must exist between an objective's rank and the amount of resources assigned to the activity.

We recognize and assume that priorities may vary from Region to Region. We also recognize that the national priorities are not necessarily the same as the priorities of the individual State and local governments. In a country as diverse as ours, this situation is inevitable, and indeed, desirable.

This listing focuses on the operational priorities for the Regional offices. It can also serve as a useful guide for Headquarters in its support of the Regions. But Headquarters in general, and the Office of Research and Development in particular, must focus not only on current operational needs, but also on emerging priorities. Thus, while the direct control of toxic pollutants will probably eventually have the highest Regional priority, this must await Headquarters policy development and the necessary legislative mandate.

The Highest Priority

EPA is a regulatory agency. Our highest priority objective is to preserve, protect, and enhance the quality of the nation's environment, and in so doing to adequately protect the public from adverse health effects associated with environmental pollution. Our achievement of the highest priority objective, however, must be tempered by the clear realization that we cannot reach it in a day, or even in a decade in some places.

The role for prevention activities has been significantly increased this year. The Agency must not just react to current crises, but prevent future ones. Many preventive activities are contained in this list, many more are Region-specific and should be factored into each individual plan.

The President and the Congress have mandated the mechanism that we should use in reaching our highest priority objective: full partnership with State and local governments, which are by their very nature closer to many of the problems than we are. This means that the Regional Offices are to provide sufficient technical, administrative, training, and financial assistance to State and local governments to ensure that they are able and willing to accept major responsibilities in all of our program areas. Furthermore, this means that in determining respective EPA and State/local roles in carrying out our collective duties, the Regions should give State and local agencies the first opportunity to satisfy program responsibility.

This intermedia ranking of Regional objectives, therefore, must be viewed in light of our commitment to achieve a quality environment, and at the same time to respect the rights and privileges of the State and local governments in reaching that commitment.

Intermedia Priorities Guidance

I. First Priority National Objectives

1. Attain and maintain the National Ambient Air Quality Standards for the criteria pollutants by achieving compliance with SIP regulations. These regulations should be reviewed and revised as appropriate.
2. Manage the Construction Grants Program so that maximum water pollution abatement is achieved: funds are obligated according to schedule; environmentally sound, cost-effective treatment works are constructed; and the fiscal integrity of the program is protected.
3. Assure compliance by major dischargers with NPDES permit compliance schedules; To complement the Construction Grants Program, reissue or modify those major municipal permits for dischargers with inadequate treatment. Conduct O & M inspections and follow-up actions to assure compliance by POTW's with permit conditions and develop effluent limitations for dischargers with inadequate treatment.
4. Assist States in achieving primary enforcement responsibility for water supply management programs leading to the attainment of the National Drinking Water Standards.
5. Provide assistance to State and area-wide water quality management agencies (208 agencies) to assure adequate and timely performance in the development of the water quality management process, with special attention on the area of non-point sources; and ensure that Regional/State resources devoted to managing the "208 program" are adequate.

II. Second Priority National Objectives

1. Ensure that new sources of air and water pollution meet all applicable requirements so that the quality of the environment is not significantly degraded by their presence.
2. Assure that the release of toxic and hazardous pollutants is controlled by writing effective NPDES permits, by enforcing NESHAPS regulations, and by revising inadequate water quality standards.
3. Ensure that every State has an adequate program to certify applicators and to register pesticides for special local needs, and encourage States to cooperate with the enforcement of FIFRA.

4. Review EIS's prepared by other agencies, concentrating on projects with the greatest potential environmental impact, including especially EIS's on nuclear facilities.

III. Third Priority National Objectives

1. Assure that the States review existing water quality standards to ensure that the 1983 goals of fishable and swimmable waters will be met where attainable.
2. Maintain capability to respond to major environmental emergencies such as air pollution alerts, oil and hazardous materials spills, and cases of imminent hazard to drinking water, including enforcement where appropriate. When such an emergency arises, of course, response becomes the highest priority.
3. Review §404 Corps of Engineers dredge and fill permits, focusing on those which are most environmentally significant, and assist the Corps in developing general permits.
4. Encourage the proper formulation, use, and application of pesticides by enforcing registration and labelling requirements and providing technical and educational assistance.
5. Promote State activities to plan and implement the proper disposal of hazardous wastes.

As I indicated earlier, this list is not inclusive of all Regional activities. It ranks major Regional responsibilities in the context of National program priorities. It is erroneous to think that simply because an item does not appear on this list, that it is not worth doing. There are many additional important objectives which must also be accomplished.

Activities Which Support the Highest Priorities

The listing of intermedia priorities does not explicitly include activities which support the accomplishment of the highest priorities, such as assuring adequate quality control in the collection of environmental and compliance data. All of our program objectives depend on the maintenance of an adequate data

base. Consequently, the upgrading of air and water monitoring efforts at all levels is critical to the accomplishment of all our programmatic objectives. Another very important activity is effective communications and public affairs efforts to gain understanding and support for the Agency 's programs.

Similarly, each Region should ensure that sufficient resources are devoted to equal employment opportunity and Civil Rights programs and to those activities necessary to good management, such as economic analysis, program evaluation, and manpower training and development. Moreover, in cases where States have assumed operational responsibility for programs, the Regions must make allowance for oversight and quality assurance of the delegated activity.

I want to reemphasize the public information component of all these priority programs. We must do a better job of communicating complex technical issues and health risks to the public in plain English. Especially in our emerging priority areas— 208 planning; pesticide applicator certification plans; air quality maintenance and significant deterioration plans; transportation planning and I & M; new source reviews; state solid waste, noise and radiation plans — in all these areas public understanding and support of the environmental needs is the key to success!

AIR REGIONAL GUIDANCE

FY 1977

FY 1977

Air Program Regional GuidanceI. Introduction

As in the guidance for FY 1976, the 1977 guidance concentrates on providing a priority-setting scheme that is to be used by each Regional Office to determine, with States, the appropriate nature and magnitude of control activities. Given the complexity and variation of the air pollution problem nationally, and substantial resource shortcomings at both State and Federal levels, a rigid system for setting priorities for all AQCRs is not appropriate. Although overall environmental priorities are the same as in the regional guidance for FY 1976, there are other factors that must be considered in determining priorities for action, and choosing appropriate actions, for specific AQCRs.

A two-fold scheme is incorporated into this guidance. First, environmental objectives are given priorities to guide regional and state decisions on the allocation of resources, and, second, selected necessary activities are listed, with an indication of their importance, to provide an additional basis for decision-making. State and Regional performance will ultimately be assessed in terms of environmental goals achievement (i.e., attainment and maintenance of NAAQS, and reductions in population exposures to undesirable pollutant levels).

II. Factors Affecting Priorities

A. SIP Control Strategies

The FY 1976 guidance emphasized the need to assess the attainment status of AQCRs and to develop plans for remedying deficiencies in non-attainment areas. The FY 1976 guidance has been modified by policy decisions which have more sharply focused on the need to determine attainment status of all AQCRs and to call for SIP revisions (where warranted by a determination of substantial inadequacy of the SIP) by July 1, 1976. These policy decisions have been communicated to Regional Offices.*

The policy recognizes the legal constraints imposed on EPA (i.e., SIPs are to provide for attainment by a certain date), the fact that widespread non-attainment has been documented, and the need to continue abatement efforts already underway. Since poor air quality may result from the lack of an adequate State Implementation Plan, the lack of an appropriate enforcement effort under the existing plan, or a combination of these, the identification of the factors that contribute to non-attainment and appropriate corrective actions is a prerequisite for environmental objective achievement.

As a result of the current policy on attainment status, it is expected that the factors affecting non-attainment of the NAAQS will have been identified by July 1976. It is also expected that a plan for action,

*The applicable guidelines and regulations which specify the policies are as follows: Guidelines for Determining the Need for Plan Revisions to the Control Strategy Portion of the Approved State Implementation Plan, OAQPS No. 1.2-011; Memorandum on "Agency Policy Regarding Calling for Plan Revisions to Approved State Implementation Plans that are Substantially Inadequate to Attain National Standards," dated November 12, 1975, from Messrs. Strelow and Legro to all Regional Administrators; and Section 51.12 regulations published June 19, 1975, in the Federal Register and air quality maintenance plan development procedures proposed in the Federal Register October 20, 1975.

which will result in correction of the deficiencies on a prioritized basis, will have been developed. The FY 1977 program would concentrate in the implementation of this corrective program.

Increased enforcement activity is to be indicated under the appropriate outputs. The format enclosed in Appendix A* should be used to indicate the status of plan adequacy determinations as of the beginning of the fiscal year and the further commitments for FY 1977. All commitments are to be based on considerations of resources available and applicable priorities from among those listed herein. It is likely that not all SIPs that require revisions will be identified by the beginning of FY 1977. At any time in the future that an SIP is determined to be substantially inadequate to attain standards, a revision can and should be ordered. The decision for a revision has to be based on the careful weighing of a series of factors (e.g., air quality, emissions, and compliance data), with each revision to be determined on a case-by-case basis.**

It is the Regional Administrator's responsibility to identify any SIP which is substantially inadequate to attain national standards and to call for a plan revision where necessary. Such determinations are to be made in Fiscal Year 1976 for all areas of the nation (i.e., both AQMA's and non-AQMA's) for each criteria pollutant; calls for revisions to existing SIP's which are substantially inadequate to provide for attainment must be publicly announced (without proposal) by July 1, 1976.

*This form is the same as that used to report on FY 1976 Mid-year status.

**Additional guidance on the need for SIP revisions is contained in OAQPS Guideline No. 1.2-011, Guidelines for Determining the Need for Plan... It is expected that plan revisions, where required, will be facilitated by the adoption of control measures that are considered to be reasonably available. These control measures for CO and O_x are discussed in "Policies for the Inclusion of Carbon Monoxide and Oxidant Controls in State Implementation Plans," OTLUP, OAWM, December 1975.

These calls for revisions must specify the schedule for submission of revisions, and must require that emission limitations representative of reasonably available control technology (as needed) must be submitted by the State by July 1, 1977, and that any other measure (generally referring to the control of transportation sources and land use measures) necessary for attainment must be submitted by the State within two years, (i.e., by July 1, 1978).*

The decision to call for a plan revision should be made only after detailed analysis of the status of air quality; the restrictiveness of the existing regulations; the status of source compliance and major enforcement action; and after thorough discussion with the affected State and local control agencies. EPA must exercise good judgment in determining whether the control strategy portion of an approved SIP is substantially inadequate to achieve national standards on a timely basis. It is EPA policy to request such plan revisions only where they are clearly necessary.**

To declare that a SIP is substantially inadequate will imply a need for new and more stringent limitations. It will take some time to develop such limitations. Pollution sources might use this situation to resist coming into compliance with existing regulations and thus, ongoing

*This is not intended to imply that some of these control measures are not considered reasonably available control technology (RACT). However, these measures, though considered reasonable, generally require more time to implement due to need to obtain enabling legislation by the States. RACT are those control measures that are considered to be the best that can be applied to a specific source taking into consideration all factors relevant to the application of control measures to the specific source. The ultimate determination of applicability is made by the Regional Administrator, with general criteria as to technical feasibility and desirability determined nationally.

**The assessment of the need for an SIP revision will have been triggered, in general, by ambient air quality levels in excess of the NAAQS. Air quality levels provide a guide as to the degree of adequacy of the SIP. Obviously the degree of compliance with the present SIP is an important factor.

compliance efforts could be inhibited. Further, frequent revisions, particularly where they affect emission control requirements, are undesirable in that they confront source owners with a "moving target."

Another factor to be considered is that any plan revision submitted by the State that changes some part of the SIP or which adds a new part could result in a challenge, under Section 307, by the affected sources to the changed or added part.* Such action may delay enforcement of the new requirements. Since substantial delays in enforcement can result from such challenges, this reason alone is good cause to minimize changes in regulations in the plan until present requirements are fully implemented and any revision is clearly necessary.

While the Act requires expeditious attainment of both primary and secondary standards, priority attention should be addressed to attainment of primary standards, i.e., SIP revisions should not be based solely on the need to attain secondary NAAQS. However, it is recommended that when plan revisions are prepared for attainment of primary standards that the plan revision also be adequate to provide for the expeditious attainment of secondary standards. However, the date for attainment of the secondary NAAQS should not necessarily be the same as that for attainment of the primary standard.

B. Monitoring

It is recognized that air quality, emissions, and compliance information remain inadequate for many areas to make a precise determi-

*Section 307 provides for a process of judicial review of the Agency's action in approving or promulgating an implementation plan or revision thereof.

nation of the degree to which the health related air quality standards may be exceeded, or to identify more than a category of regulations or sources as the potential causes of poor air quality. Plans for SIP revision must incorporate provisions for improving the requisite data bases, i.e., the air quality and emissions information used to determine requisite control strategies. In addition, continued efforts in quality assurance for all data should be emphasized. It is Agency policy to make control decisions on the basis of adequate data bases. *We are working hard to improve the quality of our data*

C. Air Pollution Control Process Improvement

Improvements in the air pollution control process should also be aimed at during FY 1977. The incorporation of procedures that will be implemented in the future should facilitate maintenance of air quality once attained and generally facilitate air pollution control. Among procedural aspects of SIPs that can be incorporated into State and regional programs are new source review procedures, public availability of data, and continuous emission monitoring. Effective new source review processes should be incorporated into all State air pollution control programs. The development of systems for the review of new sources is not a resource intensive activity. Implementation of reviews, however, will have to be based on priorities associated with a specific air pollutant's control requirements and priorities.

Working relationships among various agencies which have responsibilities for some of the planning and control measures involved in attainment/maintenance should continue to be encouraged. Interrelationships can be fostered through the "3-c" planning process, HUD 701 planning, 208

arewide waste treatment management, A-95 reviews, and coastal zone management agencies. In particular, new and revised transportation strategies for oxidant and carbon monoxide control should be developed by transportation agencies, in coordination with air pollution control agencies, through the normal urban transportation planning process.

D. Non-Criteria Pollutants Control

It should be noted that control requirements for non-criteria pollutants will continue to be developed on both a national (e.g., vinyl chloride) and regional basis. Regional Offices will have to dedicate resources to achieving some degree of control over sources of these pollutants. Priorities for control of these pollutants should also be determined on an individual area basis, taking into account the nature and magnitude of the problem, i.e., toxic pollutant control deserves a higher priority than the control of non-toxic non-criteria pollutants.

Some of the problems that will have to be addressed may not be covered by regulations or provided a pollutant priority; nevertheless, Regions (as well as HQ) have to dedicate resources to these problems (e.g., Tacoma smelter in Region X). A high priority, at least for initial implementation of control measures, will have to be given to vinyl chloride. Controls for this pollutant will be implemented during FY 1977 under section 112 of the Act. A limited number of plants will be affected by the control requirements, but positive steps will have to be taken by ROs to see to it that emissions are controlled.

E. Federal Facilities

Federal facility point source compliance is integral with the objective for attainment and maintenance of NAAQS. Federal facility control activities derive their priority from the overall environmental and area-specific priorities. Commitments and reporting for source control should include Federal facility sources, where appropriate. Separate commitment and reporting for Federal facilities are not included.

Executive Order 11738 pertains to the potential loss of Federal grants, loans or contracts by polluters. This can occur when the potential recipient has violated air and/or water standards in the manner described by the regulations implementing the E.O. 11738 Program. EPA will proceed with certain listing procedures upon receiving notification from a regional office.

III. Environmental Priorities and Related Actions

AIR OBJECTIVE I: To attain and maintain NAAQS-related goals in all AQCRs for total suspended particulates (TSP), sulfur dioxide (SO₂), carbon monoxide (CO), oxidants (O_x), and nitrogen dioxide (NO₂).

The Agency's highest priority is this objective. Within this objective, priorities must be set for specific actions as indicated by assessments made by Regional Administrators. In general, it is expected that TSP and SO₂ would have a higher priority than CO, O_x, and NO₂ given the status of the SIPs and their implementation:

Particulates and Sulfur Dioxide

Enforcement efforts should continue to be focused on the attainment of the primary NAAQS for particulate matter (TSP) and sulfur dioxide (SO₂) in those areas where these standards are, or are expected to be, exceeded and for which reasonable control measures can be implemented. Current estimates show that substantially more than half of the air quality control regions (AQCRs) in the country are now failing to meet either the primary particulate standard, or the primary SO₂ standard, or both, with the problem mostly related to particulates.

In working toward attainment, past effort concentrated on compliance by some 20,000 point sources, which together contribute about 85% of air pollutants from stationary sources. By the beginning of FY 1977, nearly all of these point sources will either be in final compliance or on schedules leading to compliance in the very near future. The next task in assuring attainment of the primary standards is achieving compliance with emission limitations by minor sources contributing to non-attainment problems. Attention will, therefore, be centered on two groups of sources during

FY 1977: The remaining hard-core of major violators and some of the numerous minor sources that are judged by EPA and State and local agencies to be causing non-attainment. In obtaining compliance by the hard-core polluters, much effort will have to go into negotiating consentagreements in attempts to avoid lengthy litigation, into monitoring and enforcing increments of progress contained in compliance schedules, and into preparing actions/cases against the most recalcitrant of these sources. Much resistance is expected.

It is estimated that minor sources now total about 200,000 and that about 130,000 of these are located in non-attainment AQCRs. However, neither local, State, or Federal inventories of such sources are complete enough to precisely determine the numbers or types of these sources that are contributing to non-attainment in each AQCR. During FY 1976, the problems posed by minor emitters will have to be assessed and phased action plans to abate emissions from key minor sources in non-attainment areas will have to be formulated as part of the overall corrective action plan for non-attainment AQCRs. Implementation of the corrective strategy in FY 1977 will be required.

Many more problems are anticipated in obtaining compliance in minor emitters than were encountered in obtaining compliance by major point sources. Such sources are generally not multi-regional or national in their scope of operation but are integral parts of communities. It is expected that difficult economic and employment issues will be encountered. Increased guidance from the regional offices will be required to ensure that State and local agencies properly prioritize enforcement tasks and take action against minor sources. General criteria for dealing with these types of problems will be provided by HQ as required.

Oxidants, CO, and NO₂

Actions to attain these NAAQS are limited to the degree to which reasonable control measures are implementable. Highest priority for control should be given to emission reductions from stationary sources of HC through the application of RACT and the implementation of State Inspection/Maintenance Programs for those areas for which SIPs provide for such measures. It is expected that air quality data will indicate the need for SIP revisions for a relatively large number of areas. Adoption of control measures for these areas should follow the guidelines already issued as to reasonableness of control measures.

Futhermore, since a successful control strategy for oxidants and carbon monoxide is highly dependent on the control of transportation sources (i.e., motor vehicles), new and revised transportation strategies should be developed by transportation agencies, in coordination with air pollution control agencies, through the normal urban transportation planning process. In the September 17, 1975, Federal Register DOT issued regulations on the transportation planning process requiring Metropolitan Planning Organizations (MPO's) to prepare (a) short-range (3-5 years) Transportation Improvement Programs (TIP's) and (b) plans for improved Transportation System Management (TSM). Therefore, new and revised transportation measures aimed at CO and HC emission reductions must be included in the TIP and TSM plans that result from the annual urban transportation planning process.

Specifically, five criteria must be met to insure that air quality measures are implemented as part of the urban transportation planning process: (1) The metropolitan transportation planning organization should

participate in the development or revision of transportation measures; (2) all transportation measures (excluding source control measures, i.e., I/M and retrofit) scheduled for implementation in the next 3 to 5 years should be included in the short-range TIP; (3) all measures involving improved transportation system management (e.g., bus priority treatment, parking controls, traffic-free zones) should be included in the TSM element of the metropolitan area's transportation plan, regardless of when these measures are scheduled for implementation; (4) each transportation measure must appear in the annual element of the TIP for the year in which the transportation measure is scheduled for implementation; and (5) the transportation plan should be consistent with the ambient air quality standards, with consistency defined as in the joint EPA-FWHA guidelines for implementing section 109(j) of Title 23.

Outputs for this objective follow:

1. OUTPUT TITLE: Recommendations for corrective action, by AQCRs, for all primary NAAQS achievement and maintenance and revised regulatory portions of SIPs to provide a framework for attainment and maintenance all primary NAAQS.

A commitment is required, for those AQCRs for which action was not completed during FY 1976, (1) to the determination of which AQCRs will not meet primary NAAQS; (2) to the performance of evaluations for those AQCRs identified as non-attainment AQCRs; and (3) to the revision of substantially inadequate SIPs. The flexibility provided by the policy on maintenance planning and extended timeframes for plan development/submission should provide an acceptable process for development of plans by States, which is to be encouraged. EPA promulgations of requisite control measures, upon State failure to act, may have to be contemplated.

Commitments for SIP adequacy assessments and calls for SIP revisions are to be made in the format indicated by Appendix A (EPA Form 3720-2A, revised). The Regional Administrator's decision on the development of AQMA plans and their adoption/promulgation are also to be indicated on the Form 3720-2A. This form is to be updated on a quarterly basis. The initial plans submission should reflect the status as of the time of program plans preparation. There are no activity indicators for this output.

2. OUTPUT TITLE

Ensure compliance with SIP emission limitations for TSP, SO₂, HC, CO, and NO_x in non-attainment AQCRs.*

OUTPUT UNITS

- Give Enforcement Priority to the Non-attainment AQCRs*
- A. Number of identified major sources determined to be in compliance with SIP emission standards or scheduled increments of progress in all non-attainment AQCRs within the Region.
 - B. Number of identified major sources determined to be in violation with SIP emission standards or scheduled increments of progress in all non-attainment AQCRs within the Region.
 - C. Number of identified major sources of unknown compliance status with SIP emission standards or scheduled increments of progress in all non-attainment AQCRs within the Region.
 - D. Number of identified minor sources determined to be in compliance with SIP emission standards or scheduled increments of progress in all non-attainment AQCRs within the Region.
 - E. Number of identified minor sources determined to be in violation with SIP emission standards or scheduled increments of progress in all non-attainment AQCRs within the Region.
 - F. Number of identified minor sources of unknown compliance status with SIP emission standards or scheduled increments of progress in all non-attainment AQCRs within the Region.
 - G. Number of major sources inspected in non-attainment AQCRs by:
(The data resulting from the inspections must be updated into NEDS and CDS, as required)
 - 1. EPA
 - 2. All States in Region
 - H. Number of minor sources inspected in non-attainment AQCRs by:
 - 1. EPA
 - 2. All States in Region
 - I. Number of enforcement actions taken by EPA to ensure compliance in non-attainment AQCRs for:
 - 1. Minor sources
 - 2. Major sources

ACTIVITY INDICATOR

- 1. Number of formal inquiries sent to all sources in non-attainment AQCRs by:
 - a. All States in Region
 - b. EPA

* Appendix B provides the definitions for the outputs and activity indicators for outputs 2 through 6 under Objective I and for all outputs under Objective III.

3. OUTPUT TITLE Ensure compliance by major sources with SIP emission limitations for TSP, SO₂, HC, CO, and NO_x in all AQCRs.*

OUTPUT UNITS

- A. Number of identified major sources determined to be in compliance with SIP emission standards (by State).
- B. Number of identified major sources of unknown compliance status with respect to SIP emission standards (by State).
- C. Number of identified major sources in violation of SIP emission Standards (by State).
- D. Number of identified major sources determined to be in compliance with scheduled increments of progress (by State).
- E. Number of identified major sources of unknown compliance status with respect to scheduled increments of progress (by State).
- F. Number of identified major sources in violation of scheduled increments of progress (by State).
- G. Anticipated number of major facilities inspected by:
 - 1. EPA in each State
 - 2. Each State
- H. Anticipated number of enforcement actions taken by EPA (by State).

ACTIVITY INDICATORS:

- 1. Number of formal inquiries sent to all sources by:
 - a. EPA in each State
 - b. Each State
- 2. Number of field surveillance actions taken by:
 - a. EPA
 - b. Each State
- 3. Number of notices of violation issued by:
 - a. EPA
 - b. Each State
- 4. Number of abatement orders issued by:
 - a. EPA
 - b. each State

5. Number of civil/criminal proceedings initiated by:

- a. EPA
- b. Each State

4. OUTPUT TITLE Ensure compliance with EPA requirements for those combustion sources receiving prohibition orders from FEA

ACTIVITY INDICATOR:

- 1. Number of sources for which rulemaking and notification/certification to FEA are complete.

→ 5. OUTPUT TITLE Ensure full compliance with NSPS requirements in all AQI

OUTPUT UNITS

- A. Number of operating sources subject to NSPS determined to be in compliance
- B. Number of operating sources subject to NSPS of unknown compliance status
- C. Number of operating sources subject to NSPS in violation.
- D. Number of sources inspected by:
 - 1. EPA
 - 2. All States in Region
- E. Number of States delegated enforcement of NSPS.
- F. Number of enforcement actions taken by EPA.

*New source
and NESHAPS
are hoped to
preventing
pollution.*

ACTIVITY INDICATOR

- 1. Number of enforcement actions taken by all States in Region.
- 2. Number of NSPS sources for which construction has commenced.

6. OUTPUT TITLE Ensure that new sources are located and constructed in each State in accordance with acceptable new source review requirements.

OUTPUT UNITS

- A. Number of State permits audited by EPA.

ACTIVITY INDICATORS:

- 1. Number of permits issued by all States in Region
- 2. Number of permits issued by EPA

7. OUTPUT TITLE: Implementation of SIPs which provide for the prevention of significant deterioration of air quality.

OUTPUT UNITS: None

ACTIVITY INDICATORS: Number of source reviews to be carried out by EPA.

With NSD regulations requiring source reviews to be carried out for specific classes of sources, EPA ROs must (in the absence of State action) assure that new sources proposed for construction meet NSD criteria.

8. OUTPUT TITLE: Assure compliance with Fuel Additive Regulations and Vapor Recovery Regulations*

OUTPUT UNIT:

- A. Conduct ____ unleaded fuel inspections at retail outlets.
- B. Test ____ unleaded gasoline samples by field and/or laboratory method (only one test per station may be counted toward the output commitment).
- C. Conduct ____ Stage I vapor recovery inspections at retail outlets (EPA conducted inspection).

ACTIVITY INDICATORS: Reported quarterly.

- a. Number of contaminations detected (fuels)
- b. Number of administrative complaints issued

ACTIVITY INDICATORS: Reported quarterly.

- c. Number of notices of violation issued
- d. Percentage of facilities which are in compliance with promulgated and/or EPA approved state adopted Stage I regulations.
- e. Percentage of facilities which are in compliance with promulgated and/or EPA approved state adopted Stage II regulations.
- f. Number of enforcement actions taken by states under state adopted regulations.
- g. Number of §113 notices of violations issued pursuant to EPA promulgated regulations.

In FY 77, Regions should direct efforts toward assuring compliance with Fuel Additive Regulations and Vapor Recovery Regulations. Regions should conduct a total of 25,000 inspections consisting of 20,000 unleaded gasoline inspections and 5,000 Stage I vapor recovery inspections. During FY 77, vapor recovery inspection activities will be integrated with fuel additive inspections. Inspectors will continue to perform unleaded gasoline inspections at the retail outlet level, and at certain retail outlets will perform both vapor recovery and unleaded fuel inspections.

Due to a lack of specific resources, the output commitments to conduct annual audits and spot checks of existing Inspection/Maintenance programs and facilities, previously contained in the

December 12, 1976, Draft Intermedia Regional Priorities, have been deleted for FY 77. Nonetheless, we believe that Inspection/Maintenance is the single most important component of an overall mobile source emission control strategy, and Regions should take every effort to work with States to assure that Inspection/Maintenance programs are implemented as rapidly as possible. Mobile Source Enforcement personnel will be obtaining emissions data from ongoing Inspection/Maintenance programs for use in other mobile source programs. In order to assure the quality of this emission data, Headquarters staff will monitor the agreements with states that are providing such data. Regions should facilitate the monitoring of emission data agreements between States and EPA.

9. OUTPUT TITLE

Assure the compliance status of Federal facilities with SIP requirements. Negotiate consent agreements with facilities not in compliance.

Output Unit:

Number of on-site inspections of Federal facilities (100% of all major sources, and 100% of all significant minor sources impacting air quality in non-attainment ACQR's).

Activity Indicators:

Number of major sources -

- a. in compliance with SIP emission standards or scheduled increments of progress
- b. in violation of SIP emission standards or scheduled increments or progress
- c. that are known to exist and are of unknown compliance status
- d. covered by current consent agreements

Notes:

A source is out of compliance if -

- (1) It is in violation of the abatement schedule contained in the consent agreement or other plan, or
- (2) It fails to meet applicable emission limitations.

The definition of "major" source is contained in the "Guidelines for Federal Agencies' Compliance With Stationary Source Air Pollution Standards," issued May 6, 1975.

"Consent Agreement" is an agreement setting forth abatement actions and schedules negotiated by EPA with a Federal facility manager and when mutually agreed to the State air pollution control agency.

Full implementation of the May 6 Guidelines will require compliance status determination of minor sources as well as majors. There are no separate activity indicators for review of minor Federal sources; however, minor sources which are contributors to non-attainment in AQCR's are to be included in the appropriate air output.

The schedule against which you should commit resources is as follows:

	Major Sources	Minors (Non-attainment AQCR)	Minors (Attainment AQCR)
Compliance Status Determination	5/30/76	9/30/76	9/30/76
Advisory Letter on Compliance Status	N/A	9/30/76	12/30/76
Consent Agreement or State-approved Schedule	6/30/76	12/30/76	9/30/77
On-site Visit	In accordance with the output unit		

The goal of compliance determination is to reduce the number of Federal facilities of unknown compliance status to zero.

AIR OBJECTIVE II: To control emissions of non-criteria pollutants.

The second air objective is the implementation of control measures for non-criteria pollutants. Continued enforcement of standards under Section 112 will be required; high priority should be given to the implementation of vinyl chloride emission standards.

Although an increasing number of sources of other non-criteria pollutants will be covered by NSPS under Section 111, the provisions of Section 111(d) (requiring control of existing sources) will only be triggered by a separate rule-making action (i.e., the issuance of guidelines documents applicable to existing sources). The first action, covering sulfuric acid mist from sulfuric acid plants, will be promulgated by the end of the FY 1976. A guidelines document for phosphate fertilizer plants (fluorides) will also be promulgated in early FY 1977. Therefore, only minor regional and State activity is expected during FY 1977 under 111(d) requirements.

By the end of FY 1975, all existing sources covered by the initial promulgation of NESHAP were required to be in final compliance. An additional 500 sources of mercury, asbestos, and vinyl chloride will be covered by NESHAP by 1977.

EPA enforcement of NESHAP provisions for the estimated 30,000 transitory operations of asbestos spraying and building demolitions that occur each year, however, has never been adequate due to resource restrictions and the nature of these regulations

✓ (being best enforced on a local level). Delegation of these portions of NESHAP is, therefore, extremely important.

In addition, standards will be promulgated, under Section 112 of the Clean Air Act, for the control of vinyl chloride emissions from manufacturing plants. During FY 1977, it is expected that Regional Offices will have to take action to assure that the few sources covered by the regulations achieve compliance expeditiously. Given the importance of this issue, high priority attention should be given to VC control.

10. OUTPUT TITLE: Ensure compliance with NESHAP requirements.

OUTPUT UNITS:

- A. Number of sources subject to NESHAPS
- B. Number of sources subject to NESHAPS determined to be in compliance with standards or in compliance with waiver of compliance.
- C. Number of sources inspected:
 - 1. by EPA
 - 2. by all States in Region.
- D. Number of enforcement actions taken against sources by EPA.
- E. Number of States delegated NESHAPS enforcement

ACTIVITY INDICATORS

- 1. Number of enforcement actions taken by States in Region

IV. Monitoring

The development of appropriate and valid data bases (i.e., air quality, source, and emissions) necessary to implementing control programs, assessment of progress in implementing controls, assessing the need to changes control activities, and development of new control strategies at the State and national level is an integral part of environmental control programs. Monitoring (including quality assurance activities) derives its priority from the activities it supports and cannot be neglected or ignored. Detailed guidance for monitoring programs is available from OAQPS and ORD guidelines documents.

Quality Assurance: It is the Agency's goal that quality assurance practices be adequate to produce consistent, accurate and interrelatable monitoring data. To meet the requirements of an adequate quality assurance program, the following actions should be initiated (or continued) in FY-77:

→ (1) Visit and Evaluate Major Laboratories in Each State

The capacity and competence of the State and regional agencies, and their contractors, should be assessed, documented, and, where necessary, improved to ensure that air monitoring data is of sufficient quality to determine which AQCR's are expected to meet the primary NAAQS. Source emission monitoring and source testing capabilities should be evaluated in those States that have received delegation of authority to enforce NSPS, NESHAPS, and as may be required for SIP's. The ORD/EMSLRTP is initiating a program to evaluate the procedures

*This whole program is just getting under way,
but is extremely important.*

currently in use by some Regional Offices for evaluating laboratories. It is expected that consistent and standardized guidelines for State laboratory evaluations, will be developed by FY 1977. Under the prospective guidelines, Regional Offices will be responsible for evaluating the State laboratory, and States would be responsible for quality assurance practices conducted in intrastate laboratories.

(2) Development of a Minimal Field and Laboratory Quality Assurance Program in Each State

This program should be consistent with ORD/EMSL-RTP guidelines to be issued spring 1976.

(3) Participation of Region, State, and Local Agency Laboratories in EPA Conducted Quality Assurance Performance Surveys

These activities should be coordinated with ORD/EMSL-RTP.

(4) NASN and Fuel Regulations Activities

The NASN provides the only consistent source of non-criteria pollutant air quality data used to establish trends and to develop national policies regarding the control or regulation of these pollutants. NASN activity should continue and regions performing NASN analysis for TSP, SO₂, and NO₂ should continue their internal audit programs. The NASN TSP filters should be returned to ORD/EMSL-RTP after TSP determination for detailed chemical analysis. Filters for use in the NASN and routine SIP monitoring networks will be supplied from EMSL-RTP in mid-calendar year 1976. In the event that any Region finds it necessary to monitor noncriteria pollutants and to perform analyses in their own, State or contract laboratories, these efforts must be coordinated with EMSL-RTP to assure that proper methods and

quality assurance practices are conducted and documented. In addition, the Regional Offices should continue the lead and phosphorus in gasoline quality assurance program.

Air Monitoring and Quality Control Objective: To provide data of documented quality to assess the progress made in achieving environmental goals and the effectiveness of air pollution control actions.

11. OUTPUT TITLE: State/local/regional air pollution programs that generate valid air pollutant data as documented by an EPA approved quality assurance program.

OUTPUT UNIT: Number of State laboratories found to be meeting minimal quality assurance criteria.

ACTIVITY INDICATORS:

- a. Number of State laboratories visited to determine if their quality assurance program meets minimal criteria as specified in ORD guidelines.
- b. Number of States having an active quality assurance program capable of evaluating local laboratory quality assurance activities.

Regions will be asked to inform headquarters, at the end of each fiscal year, the number of laboratories making air pollution measurements within the region that do not participate in ORD/EMSL-RTP performance surveys.

Optimal Collection and Use of Ambient and Source Data: A program should be initiated to review ambient monitoring networks and take corrective actions regarding the number, frequency of sampling, siting,

and distribution of monitors. The major emphasis should be to minimize the collection of routine monitoring data which does not provide information needed for SIP evaluations and strategy development. Consideration should be given to the increased use of short-term "special" monitoring projects to identify and quantify problems, calibrate diffusion models, and support enforcement programs.

Ambient Monitoring Networks: Emission reductions have significantly reduced ambient levels of SO_2 and TSP. Regional Offices should review SO_2 and TSP networks as many geographical areas appear to have more than an adequate number of monitors to evaluate trends and ambient conditions.

Actions should be taken to encourage reduction or relocation of TSP and SO_2 instruments in areas where air quality levels are well documented and significantly below the NAAQS. Trend stations as identified by Headquarters, after review by the Regional Offices and States, should be retained for control strategy evaluation and estimation of population exposure.

Similar actions should be taken with respect to NO_2 monitors as only a small percentage of these exceeded national NO_2 NAAQS in 1974. In those areas where the annual NO_2 standards are being exceeded, the regions should ensure that adequate sized NO_2 networks with appropriate instrumentation have been installed and in operation shortly after the new NO_2 reference principal and calibration procedure has been promulgated.

The primary concern for CO is with the siting of monitoring instruments because of the effects of sharp gradients in measured air quality

occurring in the vicinity of heavy traffic sources. Regional emphasis for FY-77 should be to review CO sites and to initiate corrective siting actions as appropriate. From a national perspective (i.e., trend and general conditions), there is no need for additional fixed station ambient CO monitoring at this time.

For oxidants, the major thrust by the Regional Offices should be to review the general location of oxidant monitors around major urbanized areas to ensure that at least one oxidant monitor is located in areas downwind of principal urban areas. No overall increased number of fixed station oxidant monitors appear needed at this time.

12. OUTPUT TITLE: Air quality data that is fully adequate for assessing NAAQS achievement.

OUTPUT UNIT: Number of pollutant monitors in designated or suspected non-attainment areas meeting criteria established in EPA Guidelines on siting, quality assurance, and general policy outlines.

ACTIVITY INDICATOR: Number of monitors visited and evaluated in designated or suspected non-attainment areas.

To meet the quantified commitment, Regional Offices should carry out a program for correcting monitoring deficiencies, especially for those monitoring sites which generate data used to make NAAQS attainment/non-attainment decisions and to decide on the need for (and nature of) SIP revisions. Regional Offices will be asked to update headquarters

information on the size of their SIP monitoring networks.

Source/Emission Inventories: Where SIP modifications are necessary, air quality and source/emission data must be concurrent and formatted in such a way that air quality/emission baseline relationships can be established. In situations in which diffusion modeling will be used to develop TSP and SO₂ plan revisions, data related to modeling (e.g., stack parameters) will have a high priority.

For areas for which air quality maintenance plans appear likely source/emission data will be needed for the review of new sources.

13. OUTPUT TITLE: Up-to-date and accurate emission inventories in geographical areas of special concern.

OUTPUT UNIT: None. *

Source information (emissions, compliance status, source parameters) is needed on the highest priority basis to develop and evaluate control strategies for those areas where source compliance with SIP emission regulations will be insufficient to attain NAAQS. The results of field surveillance, inspection, and enforcement actions are to be used to update (i.e., to add, delete, or change data) source inventories. The requirement to perform such actions includes the coding of data on NEDS forms and submittal for storage in accordance with OAQPS Guidelines. (It is recognized that as a result of the inventory reviews to be conducted during FY 1977, the inventory for some sources will be found to be unchanged from that in earlier NEDS source inventories. In such cases, updating of the NEDS inventory will consist of submitting a change to the Year of Record for those sources.)

* The commitment to major source inspection in non-attainment AQCR's explicitly includes updating NEDS for all inspected sources.

It is required that Regional Offices and States update appropriate data bases as new information on sources is obtained pursuant to enforcement actions, field surveillance, SIP reassessments or development, etc.

Data Flow and Reporting: Major emphasis in FY-77 should be to ensure that ambient and source/emissions data collected by the State and local agencies are submitted in accordance with reporting requirements. The States and regions should review ambient data to screen out anomalous values.

First effort should be given to the installation, operation, and training associated with the Air Quality Data Handling System (AQDHS) in areas where commitments have been made. It should be EPA's goal for FY-77 to ensure that all States have satisfactory systems (manual or automatic) for data processing, storage, and retrieval. Second, provide support and assistance to Emission Inventory Subsystem (EIS) installations and associated training for States and local agencies. Third, submit all source test results in accordance with guidelines for inclusion in centralized data files for the improvement and development of emission factors. These factors are vital in developing emission data bases to support strategy analyses.

14. OUTPUT TITLE: Quarterly reports on ambient air quality data and semi-annual reports on State progress.

OUTPUT UNIT: None.

ACTIVITY INDICATORS: None.

Significant levels of resources are expended by States in gathering air quality and emissions data; for these efforts to be meaningful (and

comply with legislative intent), these data must be available for analytical purposes to RO's and EPA as well as the States. Compilation of the data and submission to appropriate data banks is essential.

A commitment to the submission of the reports, as required by regulations (Section 51.7), is required in the program plan narrative submitted by the Regional Administrator. Since performance is to be judged on the basis of reports received at HQ as specified in regulations and guidelines, there is no need for separate reporting.

Air Regional Guidance Appendix ASpecific Instructions for Using
Form 3720-2A (Revised)

<u>Block</u>	<u>Information to be Provided</u>
1. Media	Enter "Air"*
2. RPIO	Enter the appropriate Regional Office identifier*
3. Date	Enter date form is prepared.
4. AQCR Identifier	Enter the title and number of each AQCR for the Region.*
5. Pollutants	Enter appropriate pollutants.*
6. Attainment	
(a) Status	The attainment status of each AQCR for each pollutant should be indicated here ("yes" for attainment and "no" for non-attainment). If the attainment status is still unknown, the column is to be left blank.
(b) Analysis	If Column 6 (a) has been left blank, then this should be completed with date by which the required analysis will be completed. If an additional analysis is contemplated in the future even if attainment status has been determined, such plans should be indicated. (Note that this is the analysis to determine if a NAAQS has been attained. It is <u>not</u> the more detailed analysis to determine if a SIP revision is needed, which is covered by 7(a).) After the analysis is completed, the actual completion date should be entered in parenthesis when progress reports are submitted.

*Items marked by asterisks will have appropriate data entered on forms to be supplied to regional offices. The forms used for FY 1976 mid-year reporting may be used, i.e., FY 1977 commitments would be an updating of the FY 1976 reporting data.

7. Non-Attainment

(a) Analysis

The date by which the required analysis to determine if a SIP revision is needed should be noted in this column. (The analysis is required only in non-attainment AQCR).

(b) SIP Adequate?

This column is to be used to indicate whether a SIP is substantially inadequate in a non-attainment AQCR:
If detailed analysis show that the SIP is substantially inadequate and needs revision to attain NAAQS, then "no" (indicating SIP inadequacy) should be entered.

If the detailed analysis shows the existing SIP is adequate and that other actions (e.g., further enforcement) are needed, then "yes" (indicating SIP adequacy) should be entered.

"No" should also be entered for those non-attainment AQCRs where technology does not exist to allow attainment (e.g., fugitive dust areas) and revisions is not appropriate.. The cause for non-attainment should be identified by appropriate footnotes.**

(c) SIP Revision

This column should be filled with the date by which the Region has notified or expects to notify the State that there is need for a SIP revision.

(d) Work Schedule

This column is to be completed with the date by which the Region expects to have final agreement with the State on the work schedule for the SIP revision.

**The underlined material represents a change (from "Yes" to "No") from the instructions included with the draft guidance and the draft revision of Form 3720-2A circulated for comment.

(e) SIP Revised

This column is to be completed with the date (s) the Regional Office expects the SIP revisions for attainment will be completed and published in the Federal Register.

8. Maintenance

(a) AQMA Identifier

If an AQMA is located within the AQCR, the name and number of the AQMA should be entered here.*

(b) SIP Revision

This column is to be filled with the date by which the Regional Office will request SIP revisions for maintenance from the State.

(c) SIP Revised

The date (s) the revisions for maintenance are due should be entered here.

APPENDIX BDEFINITIONS OF KEY TERMS, OUTPUTS, AND ACTIVITY INDICATORS RELATING
TO STATIONARY SOURCE AIR ENFORCEMENT PROGRAMS

To ensure continuity with the Regional Office and State programs established in FY 1976, the basic terms and definitions used in the FY 1977 guidance are, with a few exceptions, unchanged from FY 1976. New or modified terms used in the FY 1977 guidance are explained in this Appendix. Definitions are listed by associated outputs and activity indicators.

Air Objective 1, Output Title #2 - Ensure compliance with SIP emission limitations for TSP, SO₂, HC, CO, and NO_x in non-attainment AQCRs.

A. General - Outputs and Activity Indicators under this Output Title are associated with major and minor sources located in non-attainment AQCRs. By the end of FY 1976, the regional offices will have completed analyses for all non-attainment AQCRs; these analyses will provide comprehensive assessments of the reasons for non-attainment and will identify those individual sources or groups of sources that require enforcement attention to ensure primary standards attainment. Action against such sources will be planned in the enforcement action strategies that are a part of these analyses. The major and minor sources identified in these enforcement strategies are those that will be reported under this output title. All major and minor sources identified as having an impact on non-attainment in each AQCR are to be included under this objective, both in the start level and the milestones.

Under Air Outputs 2 and 3, the terms major and minor source are used in this year's guidance. These terms are replacements for the designations point and non-point source that were used in FY 1976, but have the same basic meaning.

1. Major Source - means any facility capable of emitting more than 100 tons per year of any single pollutant, assuming no pollution control. A facility is counted as a single major source even if its potential emissions for more than one pollutant exceed 100 tons per year, or if more than one stack (or other point of emission in the facility) can emit over 100 tons per year.

2. Minor Source - means any facility having an emission potential of under 100 tons per year of any single pollutant. The lower limit cut-off for these sources will vary from region to region depending upon the nature of the air pollution problems present, but should not be higher than 25 tons per year.

3. Determined to be (in, out, or of unknown compliance status) - As in past years, reporting under the management by objectives system for enforcement-related outputs is to be based upon firm, substantiated information. Start levels of source compliance status and each subsequent quarterly report should therefore address only identified major and minor sources; that is, only those for which the region and State have a name, address, and knowledge concerning the type of source and general magnitude of emissions. All adequately identified major and minor sources should be reported as either in, out, or of unknown compliance status. In projecting milestone and end commitments, however, new sources or sources which have yet to be adequately identified should result in a predicted increase in the total number of sources. The

difference between the known start level and predicted higher milestone and end levels is one index of how much surveillance work the regions and States expect to accomplish during the year. The total number of actually identified sources reported each quarter is an indication of how close the regional office and State surveillance programs track with the goals established at the beginning of the fiscal year.

Although a relatively small increase in major sources is to be expected, a large increase in the number of minor sources may have to be projected if only a few out of the estimated total number of such target sources have been identified when FY 1977 commitments are made.

Criteria for reporting source compliance status, detailed below, are essentially the same as in past years. In general, these definitions require:

- That the compliance status of both major and minor sources be determined in accordance with Table 1.
- That major and minor source compliance status be verified once each year. (The compliance status established in the preceding 12 months should be used for start levels.)
- That on the order of 10% of the major and minor sources for which the State has made compliance determinations are verified by EPA. The percentage of sources investigated by EPA in any single State will vary greatly in accordance with the region's assessment of State enforcement effectiveness. Regions must verify compliance status of enough major and minor sources in every State, however, to evaluate the accuracy of information reported by States.

TABLE 1

ACCEPTABILITY OF TECHNIQUES FOR VERIFYING COMPLIANCE STATUS
- EPA OR STATE ENFORCEMENT -

VALIDITY OF TECHNIQUES	INCREMENTS OF PROGRESS IN SCHEDULES				FINAL COMPLIANCE (in order of accuracy)
	Development of final control plan	Date of binding commitment to purchase control eqpt.	Initiate on site construction	Complete on site construction	
ACCEPTABLE Note: At least one increment of progress in every schedule should be verified by a preferred technique	<ul style="list-style-type: none"> • Copy of plan (preferred) • Letter from responsible corporate officer certifying achievement 	<ul style="list-style-type: none"> • Copy of contract (preferred) • Letter from responsible corporate officer certifying achievement 	<ul style="list-style-type: none"> • Inspection (preferred) • Letter from responsible corporate officer certifying achievement 	<ul style="list-style-type: none"> • Inspection (preferred) • Letter from responsible corporate officer certifying achievement 	<ul style="list-style-type: none"> • Emission test conducted and results evaluated by EPA (or State) • Emission test observed and results evaluated by EPA (or State). • Opacity observation, where applicable, by certified observer. • Inspection by qualified EPA (or State) personnel to obtain adequate operating data to calculate compliance or compare to operation during previous emission test. • Emission factors for SO₂ emissions at fuel burning installations with no pollution controls (data submitted in response to §114 or equivalent State statute requirement) • EPA (or State) contractors report of inspection or emission test when evaluated by EPA or State. • Emission factors for SO₂ from combustion sources with controls and all other pollutants based on data from §114 letter responses when calculated emissions are much less (generally a factor of ten) than allowed. • Unobserved emission test report submitted by source which is evaluated and believed to be accurate.
NOT ACCEPTABLE	Telephone calls or other such unsubstantiated evidence				<ul style="list-style-type: none"> • Emission test not observed & report unevaluated • Opacity observations not substantiated by inspection of plant operations • Unevaluated contractor's report • Unsubstantiated emission factor analysis • Emission inventory data

4. Non-attainment AQCRs - means AQCRs that the region and State have determined are exceeding the primary national ambient air quality standards for any pollutant. The designation of non-attainment status for an AQCR should be based on the regions' best available information. If it is uncertain whether air quality levels are exceeding the primary NAAQS, the bias should be toward non-attainment classification. The attached guidance document provided by the Office of Air Quality Planning and Standards specifies what criteria will be used in determining attainment/non-attainment.

B. Output Units for Air Objective I, Output Title #2 (all Output units and activity indicators are to be incorporated in State control agency grants)

1. Units A and D - Number of identified major and minor sources determined to be in compliance with SIP emission standards or with scheduled increments of progress - includes only those sources which have been verified to be in final compliance with emission limitations or verified to be no more than 90 days overdue in achieving all currently due increments of progress.

Final compliance is to be verified by the State or EPA in accordance with one of the following acceptable criteria. If one or more of the emission points within a major or minor source is out of compliance, the whole source is judged to be out of compliance. Table 1 indicates the acceptable methods of EPA-determined compliance. Regions are to ensure that the criteria used in State determinations are comparable. As indicated above, EPA must evaluate State effectiveness by making an independent check of the compliance status of selected major and minor facilities for which the State has made compliance determinations.

It is EPA's responsibility to provide the most accurate assessment of compliance status possible. Therefore, the following guidance is provided: If EPA's findings conflict with those made by the State for more than 10% of the facilities investigated, the number of sources in compliance reported by the State may be included in milestone reports for this output commitment, and must be listed as having unknown compliance status. When projecting the number of sources that are to be inspected to determine compliance status, careful consideration should be given to the techniques employed as related to resources. The most accurate techniques for determining compliance status, stack tests performed and evaluated by the Region, or detailed plant inspections, generally require the most resources.

In determining compliance with schedules, sources with a number of schedules or a number of increments occurring during the fiscal year are counted only once. As in final compliance determinations, the number of major and minor sources with schedules verified by the State may not be included in this commitment if unresolved discrepancies between State and EPA findings exist for more than 10% of the sources EPA has checked.

2. Units B and E - Number of identified major and minor sources determined to be in violation SIP emission standards or scheduled increments of progress - These commitments include all major and minor sources that contain any emission point in violation of an emission standard and not on a compliance schedule and all sources that are more than 90 days overdue in meeting any currently due increments of progress in any compliance schedule. Sources will be determined to be in

violation according to one of the acceptable criteria established in output units A and D and Table 1. Until all violating emission points come into final compliance or are complying with scheduled increments of progress, a source may not be accounted for under any other output commitment. Sources behind in meeting any currently due increment of progress must be reported under this output unit, even though other increments of progress are currently being met or compliance status with respect to other increments is unknown. As indicated in Table 1, acceptable criteria for determining compliance with an increment include:

- i) copy of a control plan or contract for appropriate increments;
- ii) inspection of the source to evaluate completion of construction;
- iii) information supplied pursuant to a section 114 inquiry or by other regulatory means of certifying compliance. These commitments should be as low as resources permit in order to approach 100% compliance.

3. Units C and E - Number of identified major and minor sources of unknown compliance status with respect to SIP emission standards or scheduled increments of progress - these commitments are composed of major and minor sources adequately identified and located by the regional office or State, and for which compliance status has not been definitively ascertained for all points of emission by the criteria established above. However, if one or more of the emission points within a major or minor facility is known to be out of compliance, the whole source is judged to be in noncompliance. Concomitantly, these commitments are to include all major and minor sources on schedules whose status regarding compliance with all currently due increments of progress is unknown. Sources determined to be complying with some

currently due increments but of unknown status with respect to other increments should be reported in this output. If, however, a source is more than 90 days overdue for one or more increment of progress, it is counted as being in violation even if the status with respect to other increments is unknown. It is important that a sufficient compliance monitoring and field surveillance effort by both States and Regions should be undertaken to reduce the number of sources listed in this commitment. It is expected that the end level commitment for this output would be close to zero for major sources.

4. Units G and H - Number of major and minor sources inspected to determine compliance - these commitments are the total numbers of sources which have been inspected. The method used to determine compliance status can include process inspections, opacity observations, and stack tests. In many instances, source compliance status can be determined by EPA evaluation of responses to formal inquiries; i.e., section 114 letters. Each major and minor source can only be counted once under these outputs, no matter how many times it has been inspected. (Multiple inspections for major sources will be reflected in the activity indicators under Output Title 3.) Progress under this output will be reported in two units: one unit for all sources inspected by EPA, and one unit to reflect the total number of sources inspected by all States within the region.

5. Unit 1 - Number of enforcement actions taken by EPA to ensure compliance by major and minor sources - this output commitment is the sum of all notices of violation issued, enforcement orders issued, and civil or criminal proceedings initiated by EPA in the region. The projection of the number of these outputs should be based upon prior EPA experience as to the percent of sources which can be expected to be out of compliance, and the resources committed to enforcement proceedings should relate to the surveillance and compliance monitoring program planned by the region.

C. Activity Indicator Definition - Air Output Title #2

1. Activity Indicator 1 - Number of formal inquiries sent to all sources - means the total number of section 114 letters sent by EPA and the total number of comparable formal inquiries sent by all states in the region to both major and minor sources.

Air Objective I. Output Title #3 - Ensure compliance by major sources with SIP emission limitations for TSP, SO₂, HC, CO, and NO_x in all AQCRs

- A. General - this output is essentially the same as Air Objective 3 in FY 1976. This commitment encompasses

activities to ensure initial compliance and continued compliance by major sources in both attainment and non-attainment AQCRs in each state. The differences between this output and the output for non-attainment AQCRs reflect the added effort to ensure compliance by major sources throughout the state. As in past years, it is essential that the compliance status of all major facilities (currently estimated at over 21,000 nationally) be verified in an acceptable manner by the responsible state or local agency. It is also necessary for EPA to verify the compliance status of a number of selected major facilities as part of its field surveillance effort to provide a check on state enforcement. A major facility will not be considered in compliance unless a definitive determination has been made by the state or EPA that the source is, in fact, in compliance. To achieve and maintain major source compliance, each facility should be inspected or equivalently verified to be in compliance (see Table 1) once per year by the state or EPA. The extent to which the Federal and state programs can achieve this goal will be reflected in output units A thru F.

Table 1 provides a summary of techniques considered acceptable for verifying compliance by either the

state or EPA. In addition to enforcing against selected sources where states cannot or will not enforce, regions should also verify the compliance status of selected major sources for which the state has made compliance status determinations in order to assess the effectiveness of state enforcement. Ten percent would seem to be a reasonable number of major sources to establish effectiveness. However, it will be necessary for each region to develop a strategy for compliance monitoring. A balanced effort between "paper surveillance" (Section 114 letters, etc.) and field surveillance will be necessary. The sources investigated in the field surveillance effort must not be chosen at random but must be part of a coordinated regional office enforcement strategy. Frequently, the information needed to assess compliance can be determined without resorting to a field investigation. Therefore, those sources for which a field investigation will be conducted should be: 1) selected as part of a well-conceived regional enforcement strategy; 2) be of major import; and 3) be representative of various source categories in the state.

B. Output Unit Definitions for Air Objective I, Output Title #3 (All output units and activity indicators

are to be incorporated in state control agency grants) Only major sources are reported in this output; i.e., those capable of emitting more than 100 tons per year of any single pollutant assuming no pollution controls. All major sources in all AQCRs in the region are to be reported in this output without regard to the attainment status of any AQCR. The major sources reported in Air Output Title #2 are all those contributing to non-attainment problems and together constitute a subset of this output title. The criteria used to determine adequacy of identification, status of compliance, number of sources inspected, and number of enforcement actions taken are identical to those in Air Output Title #2. Definitions to be used for these outputs are also basically the same, but source compliance is to be reported separately with respect to final compliance and compliance with scheduled increments of progress. In addition, all outputs and one activity indicator in Air Output Title #3 are to be reported by state rather than by region.

C. Activity Indicator Definitions for Air Output Title #3

1. Activity Indicator 1 - Number of formal inquiries sent to all sources - means the total number of section 114 letters sent by EPA in each state and the total number of comparable formal inquiries sent by each state.

2. Activity Indicator 2 - Number of field

surveillance actions taken - is the sum of process inspections, opacity observations, and stack tests undertaken by the region and the number of such actions undertaken by states. This indicator does not include sending or evaluating responses to section 114 letters. The number of field surveillance actions reported should be based on the following:

- i.) number of opacity observations - the number of opacity observations performed in FY 1977 by qualified EPA (or state) smoke readers to document compliance status. If, for example, opacity observations were made at four emission points (e.g., smoke stacks) within a single source, the number of EPA (or state) field surveillance actions would increase by four.
- ii.) number of inspections - the total number of inspections made by EPA (or state) personnel or their contractors at sources in FY 1977 to obtain information necessary to determine compliance status. If, for example, four stacks were sampled

to determine compliance, the number of field surveillance actions would increase by four. A stack test normally includes a plant inspection and where applicable, opacity observations; if these other activities were performed they may also be counted under field surveillance actions. (NOTE: A stack test may consist of a number of "runs;" the number of runs needed to make a determination of compliance status is counted as one test.) This indicator is to be reported separately for EPA and each state.

3. Activity Indicators 3 - 5 - Number of notices of violation and abatement orders issued and civil/criminal proceedings initiated - these indicators are to be reported for those actions taken by EPA and for those actions taken by each state. It is important that regional offices ensure that state actions reported here correspond to EPA definitions, especially for notices of violation, so that meaningful conclusions can be drawn from the data.

D. Activity Indicator Definition for Air Objective I, Output

Title #4 - Ensure compliance with EPA requirements for those combustion sources receiving prohibition orders from FEA.

1. General - It is expected that Federal Energy Administration's authority to issue prohibition orders for burning petroleum products will be extended and that more orders will be issued by FY 1977. If this occurs, substantial resources will have to be applied to this program by regional offices affected in granting compliance date extensions, revising compliance schedules, and tracking compliance with scheduled increments. FEA is now considering orders for some 50 power plants and about 1,000 other major fuel burning installations. The single activity indicator called for under this title is self-explanatory.

E. Output Unit Definitions for Air Objective I, Output Title #5 -

Ensure full compliance with NSPS requirements in all AQCRs.

1. Units A-C - Number of operating sources subject to NSPS determined to be in or out of compliance or of unknown compliance status - compliance status of NSPS sources is to be determined by a performance test as specified in the applicable regulations.

2. Unit D - Number of sources inspected - defined under Air Output Title #2, and reported for EPA and for all states in the region.

3. Unit E - Number of states delegated enforcement of NSPS - means the cumulative number of states that have been delegated at least the surveillance and legal proceedings aspects of enforcement for a majority of affected facilities under NSPS.

4. Unit F - Number of enforcement actions taken by EPA - self-explanatory.

F. Activity Indicator Definitions for Air Output Title #5

1. Indicator 1 - Number of enforcement actions taken by all states in region - self-explanatory. See definitions of notices of violation, orders, etc. in Air Output 3, Indicators 3-5.

2. Indicator 2 - Number of NSPS sources for which construction has commenced - Commenced is defined as specified in the applicable regulations.

Air Objective I. Output Title #6 - Ensure that new sources are located and constructed in each state in accordance with acceptable new source review requirements

A. General - In FY 1977, regional offices should ensure that states are implementing adequate enforcement programs for new source review. EPA's role in this area should be to provide guidance to states in enforcing new source review requirements, to audit permits issued by States, and to conduct review of planned construction so that new sources do not cause significant deterioration of air quality. Enforcement actions undertaken by EPA should be selective and designed to stimulate and guide state action rather than replace it on a large scale.

B. Output Unit Definitions for Air Output Title 6

1. Unit A - Number of state permits audited by EPA - EPA should audit a sufficient number of permits issued by states to adequately assess the quality of the new source review enforcement program in each state and from those reviews should provide guidance and other assistance to states in better implementing new source review programs.

C. Activity Indicator Definitions for Air Output Title 6

1. Activity Indicator 1 - Number of permits issued by all States in region - self explanatory
2. Activity Indicator 2 - Number of permits issued by EPA - means all permits issued under non-significant deterioration regulations and any permits issued under new source review as EPA replacement enforcement (although the latter should be kept to a minimum).

Air Objective II . Output Title #10- Ensure compliance with NESHAPS requirements

A. General - by FY 1977, about 550 additional sources of asbestos, mercury, and vinyl chlorides will be covered by new NESHAPS requirements, requiring development of inventories, registration of new sources, processing of waivers, annual inspections of sources, and enforcement actions as needed. The FY 1977 outputs therefore focus on fixed (non-transitory) sources of hazardous pollutants. Some

attention, however, must also be given to documenting violations at transitory spraying and demolition operations. It is intended that enforcement activity in this area decrease somewhat until favorable court decisions for the demolition standard are obtained or until the Clean Air Act is amended to specifically authorize imposition of a work practice standard. The sources reported under this output do not include transitory operations, but such sources may be included under this output later in the fiscal year as EPA's authorities are clarified. Output units for FY 1977 are basically the same as those defined in the FY 1976 guidance. The number of states delegated enforcement of NESHAPS, however, means the cumulative number of states delegated a major portion of the asbestos, beryllium, and mercury emission standards enforcement. This includes enforcement of asbestos emission limits for spraying and demolition operations. Units are self-explanatory.

FY 77 MOBILE SOURCE ENFORCEMENT
REGIONAL GUIDANCE - DEFINITIONS

8. Assure Compliance with Fuel Additive Regulations and Vapor Recovery Regulations.

OUTPUT B: Test ____ unleaded gasoline samples by field and/or laboratory method (only one test per station may be counted toward the output commitment).

Similar to last year's guidance, Regions may count up to 10% of their output commitment for inspections leading to detection of availability violations.

Regions may also count 1% of their output commitment for inspections of retail outlets not required to carry unleaded gasoline but where inspections are conducted to determine compliance with nozzle, labeling, and sign provisions of regulations.

OUTPUT C: Conduct ____ Stage I Vapor Recovery Inspections at Retail Outlets.

Regions should count only inspections conducted at retail outlets. All Stage I vapor recovery inspections conducted at bulk terminals are not to be counted for MSRD inspections but toward DSSE's output commitment.

WATER QUALITY
REGIONAL GUIDANCE
FY 1977

FY 1977 WATER QUALITY REGIONAL GUIDANCE

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FY 1977 Water Quality State and Regional Office Guidance

A. Overview of Program.

The national FY 1977 Water Quality Strategy Overview, with attendant modules providing more detailed descriptions of particular program strategies, describes the objectives and approaches which EPA will employ in the management of its programs from October 1, 1976 through September 30, 1977, and beyond. In the FY 1977 program planning process the States and Regions will establish complementary, more specific, strategies, priorities, and plans for FY 1977 tailored to their own areas and institutions. This Water Quality Guidance highlights and prioritizes the outputs and activities that the States and Regional Offices must carry out to effectively implement in FY 1977 those parts of the national Strategy necessitated by the goals and objectives of national legislation.

Shifting of program functions from EPA to State agencies has been a priority Agency objective during the past two fiscal years. During this period the emphasis has been on the delegation of discrete functions or sub functions, primarily in the NPDES and municipal facilities areas.

In FY1977 and subsequent years, the emphasis will shift away from formal delegations to the development of a more comprehensive management approach to achieve the most effective possible division of program functions in the water pollution control program. Given considerable duplication of effort which now exists between EPA and the States and a relatively static level of State and Federal funding for program operations, it is essential that this management approach succeed.

*We must
achieve a
true part-
nership
everywhere.*

This year's water quality guidance is divided into four sections. Section A is an overview statement of the basic policy directions for FY1977. Section B is a priority list of the various water quality programs. Section C is a summary of all the water quality outputs and activity indicators, and finally Section D is a list of definitions of terms used in the outputs section (Section C).

This section of the Guidance briefly discusses 10 functional program areas into which are incorporated additional discussions of program operations decentralization, water pollution abatement and control by Federal Facilities, and preparation and review of Environmental Impact Statements or Negative Declarations. The ten functional program areas include:

1. Municipal Construction.
2. Water Quality Permits, Compliance Monitoring, and Enforcement.
3. Water Quality Management Planning.
4. Water Monitoring.
5. Municipal Operations.
6. Oil and Hazardous Spills Control.
7. Ocean Dumping.
8. Dredged or Fill Materials Discharge Permits.
9. Technical Studies and Support.
10. SBA Loan Review.

A final section contains additional State Programs Guidance.

This Agency - wide FY 1977 Regional Guidance package includes the same guidance on construction grants that was included in the December draft guidance. An amended guidance package for construction grants, responding to comments received on the 12/75 draft and

other considerations was dispatched for further Regional review on 2/9/76. Final guidance on Municipal Construction Programs should be issued by early March, 1976.

1. Municipal Construction (Draft)

Program Objectives.

The Construction Grants program is one major component of the Federal Government commitment to clean up the Nation's waterways. The \$18 billion provided under P.L. 92-500 was intended to cover 75% of the necessary funding to achieve secondary treatment for all publicly owned treatment works in the United States. The key legislative deadlines under §301 (b) (1) and (2) were set at July 1, 1977 for the achievement of secondary treatment and July 1, 1983, for the application of best practicable waste treatment technology for publicly owned treatment works.

Since the enactment of P.L. 92-500 both the intended cost of achieving the water quality standards (\$18 billion) and the time-frame in which it was required to be achieved (1977) have been more realistically appraised. The 1974 Needs Survey (corrected for 1975 dollars) estimated the need for Categories I, II, and IVB (relating to secondary treatment)* to be \$60 billion and all needs to total \$444 billion. This increased estimate of need and the late release of \$9 billion of the existing \$18 billion made the 1977 deadlines increasingly unattainable.

The near and long-term strategy for the Construction Grants program was developed within this framework. The primary goal of the program and its general programmatic objectives (outlined below) remain as before. The operational objectives however, emphasize

the long term commitment and increased funding necessary to realistically achieve the legislative goals.

To June 30, 1975, \$6.6 billion of the \$18 billion currently available had been obligated to assist 4,045 projects. The remaining \$11.4 billion is planned to be fully obligated by the end of FY 1977. In order for several of the Regions to achieve this plan, a greatly accelerated obligation rate will have to be achieved. The experience to date against the FY 1976 quota has been poor, indicating that obligation rates will have to increase even further to fully obligate the remaining funds. The current FY 1977 plan is to obligate the remaining funds. The current FY 1977 plan is to obligate \$7 billion, including \$5 billion of current funds and \$2 billion additional authority not yet enacted.

The primary goal of Municipal Construction program is to achieve the most cost-effective and timely abatement of municipality treated wastewater pollution through the proper planning, design, and construction of treatment works. Within this goal are four key programmatic objectives which must be reflected in the FY 1977 State/Regional Office work plans.

To manage the construction grants program in an efficient manner and with sufficient State and Federal resources to ensure that the effluent limitations and water quality standards established under the Act are achieved at least cost and in the minimum possible time. A key factor within this objective is to develop adequate planning to assure that (a) projects are not being funded ahead of higher priority projects for the sole reason of timeliness and (b) the projects being funded

assure an adequate mix of Step 1, 2, and 3 to assure a continuous smooth flowing program.

Watch Out!

- . To safeguard the integrity of the program by working closely with the States and localities in detering fraud and other irregularities in the awarding of grants and construction of the facilities, and by detecting and penalizing such irregularities as may occur.

✓

- . To preserve and protect the primary responsibilities and rights of the States in the control of water pollution, particularly through decentralization of program operating responsibilities and authorities to them to the full limits of their capabilities and resources.

✓

- . To ensure that, through the proper management of the environmental assessment process, in conjunction with State and local planning processes, the projects approved and constructed are environmentally sound.

Additional Guidance on Preparation of EIS's and Negative Declarations on Wastewater Treatment Plant Construction Grants

EPA compliance with the requirements of NEPA, section 511 of FWPCA, and the Agency's NEPA procedures require preparation of either a final EIS or a Negative Declaration by the Region before awarding each Step II grant, and each Step III grant for projects which were not given a Step II grant.

Based on State priority lists, Regional Offices should attempt to make initial EIS/Negative Declaration decisions before awarding Step I grants in order to take maximum advantage of joint EIS/environmental assessment procedures (e.g., piggybacking). These procedures, discussed in separate program guidance memoranda, provide for comprehensive environmental analysis and can result in considerable compression of the time between awarding Step I and II grants. In any case, all Regions should encourage potential grant applicants to start their portion of the environmental assessment process as soon as possible, and to provide thorough assessments.

* Category I -- Facilities which would provide a legally required level of secondary treatment. For purposes of the Survey, secondary treatment and best practicable wastewater treatment technology (BPWTT) were considered synonymous.

Category II -- Treatment facilities that must achieve more stringent than BPWTT levels of treatment.

Category IVB -- Construction of collector sewer systems designed to correct violations, and/or comply with Federal, State, or local actions.

2. Water Quality Permits, Compliance Monitoring and Enforcement

As July 1, 1977 approaches the States and Regions must change the emphasis of water enforcement activities from the attainment of merely numerical outputs to assuring the achievement of Best Practicable Technology Currently Available

(BPTCA) and water quality requirements of the Federal Water Pollution Control Act. (FWPCA). This will require a more deliberate and coordinated approach to permit issuance and compliance/enforcement activities. Accordingly, the Regions and States should evaluate their efforts and emphasize those factors which most directly influence the achievement of this goal.

For FY 1977 one of our most important goals is to promote increasing State participation in the NPDES program. To further this end the Regions should continue to make every attempt to grant NPDES program approval to those States who are willing and capable of taking on the program responsibilities. States that have already received program approval should be given help in developing their capabilities in a manner consistent with the requirements of the FWPCA. States that have not received program approval should be encouraged to participate with the Regions in as many areas of the NPDES program as possible within the boundaries of the Act.

This includes compliance monitoring and strong enforcement.

Our other major priority for FY 1977 is to assure the completion of treatment facilities by major industrial facilities to meet BPTCA and water quality requirements in accordance with the requirements of the FWPCA. Included in this priority is the resolution of all major adjudicatory hearing requests. Also an important concern is the issuance of all major industrial and municipal permits. Our fourth major priority will be to assure the compliance of major municipal facilities with permit conditions.

We are also concerned with the expeditious implementation of an Enforcement Management System which will include quality control procedures. Any reporting required by this system will have to be approved in accordance with EPA reporting procedures. Non-NPDES enforcement will continue at the same pace that it has in the past.

Since we expect the majority industrial dischargers to complete their construction schedules and have all necessary equipment operational by the end of FY 1977, more attention to the status of the attainment of effluent limits will be necessary. Accordingly, inspections at these facilities will emphasize sampling in the second half of FY 77 with reconnaissance inspections emphasized in the first half. All inspections should consider and evaluate permittees' sampling and analytical techniques and procedures to insure their conformance with accepted practices. All outstanding major discharger adjudicatory hearings should be resolved by the end of FY 1977 to assure that all priority dischargers have an enforceable NPDES permit.

As more and more facilities are inspected and permittees proceed toward their final compliance deadlines we expect the Regions and States to respond to violations quickly and appropriately. Formal enforcement mechanisms will primarily consist of notices of violations to the States, administrative orders, and §309 referrals to U.S. Attorneys or comparable State action. Specific guidance from Headquarters will be completed in FY 1976 outlining recommended procedures to be followed by the Regions when assuring responsible State response to known violations. We have asked for output commitments on formal enforcement actions again this year. Please understand that these outputs are merely goals and in no way should they be construed as a Headquarter's requirement for Regional enforcement action should such action be inappropriate. However, every effort must be made to respond to all violations expeditiously. A significant indicator of the effectiveness of an organization's management system is the timeliness of response to surfaced violations.

Major municipal facilities must be placed on construction schedules which are realistic and also are consistent with construction grant funding schedules. Although, ideally, compliance monitoring efforts should be the same for industrial as for municipal facilities, the emphasis will remain on reconnaissance inspections for publicly owned treatment works (POTWs) until they approach completion of construction. Sampling at municipal facilities should be limited to those

We should take stronger enforcement action where municipalities are not operating and maintaining facilities to obtain effective treatment - this has been a neglected problem.

POTWs with facilities in operation, although not necessarily to those meeting final effluent limits. Enforcement activity with regard to POTWs should emphasize strict compliance with realistic permit construction schedules and with effluent limitations.

Regarding permit issuance, we are primarily concerned with the major reorientation of the municipal permit program so that it can become a more effective driving force in support of the Agency effort to grant funds for municipal sewage treatment construction projects.

Major industrial permit reissuance and modification will also receive high priority status during FY 1977, as will the special handling of thermal variance requests wherein exemption claims are allowed based on environmental impact studies in accordance with section 316 of the Federal Water Pollution Control Admendments.

The list of major dischargers must be updated and provided to HQ at the beginning of FY 77. This list identifies the dischargers given high priority attention in permitting, compliance monitoring and enforcement.

Also of importance for FY 1977, is the issuance of major and energy-related new source permits, especially with regard to coal and oil exploration, and uranium mining.

Non-NPDES enforcement will continue to focus on oil spill and spill prevention enforcement as well as on the enforcement of the Ocean Dumping Act.

In addition to those priority activities, we will maintain an overview of minor municipal and industrial permit compliance, enforcing permit conditions when necessary within our resource constraints. Also of lesser priority for FY 1977 will be the issuance of minor permits.

Compliance Monitoring of the NPDES Permits Issued to Federal Facilities

The Federal government (EPA) retains the responsibility for all activities including compliance monitoring and compliance related to the NPDES permits and the Federal facilities receiving them, even in those States which have delegation of EPA's responsibility for enforcement.

This objective provides for the compliance monitoring of NPDES permits issued to Federal installations. Monitoring should be accomplished through the review of self-monitoring reports, and by selective on-site inspections.

It is important to periodically compare the NPDES permits issued to Federal facilities and the current OMB listing of water pollution control projects planned by Federal agencies. This comparison should be performed in each Region at least two times during FY 1976 upon the receipt of the current listing from OFA. Projects required by facilities to meet final discharge requirements but not contained on the current OMB listing should be reported to OFA.

Preparation of EIS's and Negative Declarations on New Source Discharge Permits (NPDED).

✓ § 511 of the FWPCA requires EPA to comply with NEPA when § 402 permits are issued to new source dischargers. The permit applicant is required to prepare and present an environmental assessment with the permit application. The Regional Office reviews each assessment and prepares either an EIS or a Negative Declaration on each permit prior to issuing the permit. The bulk of the work involved in preparing those EIS's will be performed by the applicants and by consultants under contract to EPA.

Preparation of EIS's on Ocean Disposal Sites

The policy statement of the Administrator regarding the Marine Sanctuaries Act requires that the NEPA process be applied to the study and selection of ocean disposal sites. Draft and final EIS's will be prepared for those sites which will be designated for continuous dumping.

Violations of Water Regulations (Section 508 FQPCA) Under Provisions of Executive Order 11738 Program.

Executive Order 11738 pertains to the potential loss of Federal grants, loans or contracts by polluters. This can occur when the potential recipient has violated air or water standards in the manner described by the regulations implementing the E.O. 11738 Program. OFA is charged with the responsibility to proceed with certain listing procedures upon receiving notification from a Regional Office

of: (1) facilities giving rise to State or local criminal convictions as they occur; (2) facilities referred by Governors to EPA for listing as they occur; (3) on a mandatory basis, facilities which have given rise to a Federal criminal conviction; and (4) recommendations from Regional Offices of candidate facilities to be listed based on administrative or civil court adjudication of non-compliance. The timing related to reporting this information is critical in terms of OFA's engaging in a fair and proper listing proceeding.

3. Water Quality Management Planning

Water quality management planning provides for a continuous decision-making process for water quality management at the State and local level. Institution building is the goal of this planning effort--a result engendered by a planning effort that provides framework for coordinating various planning and regulatory functions.

In FY 1977, Phase II State and Areawide Planning will be underway in all States under the revised regulations (40 C.F.R. Parts 130 and 131) and under State continuing planning processes revised in FY 1976.

This revision of the continuing planning process described the water quality decision-making process in the State, outlined the water quality planning needed throughout the State, delineated planning areas and agencies (including any additional designated

areawide agency) for the necessary planning, and set forth a timetable which ensures that the November 1978 deadlines for plan submission will be met. The nature of Phase II planning will be more complex than previous planning as point sources are brought under control and attention is turned toward nonpoint sources and complex point sources areas needing more stringent controls.

The major thrust of water quality management planning by State and areawide planning agencies is the development of plans which will meet the 1983 water quality goals, and which will be implemented. The requirement for implementation of these plans will necessitate creative approaches to solving the complex problems of Phase II within existing institutional frameworks. In some cases, the necessary controls will require new institutions, regulatory programs, or legislative authority. Maximum flexibility for planning has been provided in the revised regulations and use of this flexibility is encouraged to produce implementable plans.

A limited number of initial areawide management plans are expected to be completed in FY 1977. It is important that effective communication between State and areawide planning agencies be maintained to ensure development of plans which are approvable by the State and which satisfy the State's responsibilities for planning throughout the State.

Water Quality Standards

The objectives are to complete the second round of review and revision of water quality standards; to modify and add criteria; to upgrade use designations to meet 1983 water quality goals, where attainable; and to establish a mechanism to implement the State antidegradation policy.

The mechanisms for revising water quality standards are to be included in the State continuing planning process.

Water Monitoring

Introduction

*Please
Note:*

During FY 1976, the EPA monitoring goals and objectives were defined in a policy statement on environmental monitoring. According to this statement, the primary responsibility for water monitoring lies with State and local governments, and with pollutant dischargers. In addition, EPA Regional Offices are responsible for providing technical guidance and management for these monitoring activities, and for conducting Regional field activities necessary to support certain Regional and national priority programs.

This Regional and State monitoring guidance implements the monitoring policy statement by providing substantive direction to the overview and management functions of the Regional Offices. The Regional monitoring program managers are responsible for ensuring that State and local planning, permitting, and enforcement agencies have monitoring programs which are appropriate to the needs of their agencies and, further,

are producing the valid data and data interpretations necessary to support their planning, regulatory and grants management decisions.

Similarly, the Regional monitoring program manager is responsible for the efficiency and effectiveness of monitoring activities conducted by the Region to supplement State and local monitoring programs, and to ensure that EPA's water data needs are met.

The Standing Committee on Water Monitoring consisting of representatives of the Office of Water and Hazardous Materials, the Office of Enforcement, the Office of Planning and Management, the Office of Research and Development, Regional Surveillance and Analysis Divisions and the Regional Water Divisions, will develop minimum ambient and effluent monitoring programs to provide a framework for Regional, State and local, and national monitoring operations and management. Regional and State monitoring programs will be expected to conform to the national program with exceptions made for unique local conditions and priorities.

We will review our total monitoring system, and will need help on this from the Regions & the states.

Proper implementation of the national programs will require the documentation of Regional, State, and local monitoring activities for information and management purposes. The FY 1977 guidance calls for a Regional monitoring strategy similar to the State strategy already required. These are important to the management of our scarce monitoring resources.

Program Guidance

Of particular importance are the internal quality assurance programs within the the Regional monitoring programs and required

commitment of Regional resources. Field and laboratory quality assurance activities are not to be considered as separate, optional, or overtarge items. Participation in the quality assurance program under Office of Research and Development (ORD) guidance is mandatory. Every Region must have a documented quality assurance program. At the State level, an approved quality assurance program is considered to be an essential condition for approving of the State water pollution control program grant.

State laboratories should continue to be evaluated according to procedures developed in FY 1976. Where water supply laboratories are separate from water pollution control laboratories, these laboratories should also be evaluated. Evaluation results should be reported to the Regional Administrators, and serious deficiencies should be corrected. The quality of the State and Regional data is of utmost importance to the planning, compliance and enforcement programs.

Approval of the State monitoring program takes on additional importance with the promulgation of Appendix A to the \$106 program grant regulations. The Regions, therefore, should make every effort to ensure that the monitoring portions of the State programs are consistent with the regulations as interpreted by the Regional Administrator. Monitoring component priorities must be consistent with overall water program priorities, and should be described in the State monitoring strategy.

In order to manage scarce Regional and State monitoring resources more effectively, the Region should develop a Regional water monitoring strategy and forward it to the Deputy Administrator. As a guide, it is anticipated that 80% of Regional monitoring resources should be spent in support of national priorities, and the remaining 20% spent on Regional priorities. The actual resource distribution should be detailed in the Regional monitoring strategy.

The Regional water monitoring strategy should describe specific monitoring outputs being produced to support national and Regional priorities, and should also describe the rationales by which State and Regional monitoring resources are being jointly distributed. The Regional monitoring strategy should also highlight the internal Regional field and laboratory quality assurance programs, and the reviews conducted with the States, local agencies, and National Pollutant Discharge Elimination System (NPDES) permittees.

The Regions should work with the States to ensure that State Water Quality Inventory (§305(b)) reports are submitted on time, and that the reports are satisfactory in terms of form and content. These reports will act, together with the National Water Quality Surveillance System (NWQSS) analysis, to form the National Water Quality Inventory Report to the Congress. The States, therefore, can make Congress directly aware of these concerns. Since legislative redirection may be based on the Section 305(b) reports as well as the NWQSS findings, valid conclusions and recommendations are extremely important.

The Regional Summary and Analysis of the State reports is an

The next set of 305(b) reports is especially important since Congress will be ⁸⁰ reviewing the entire FWPCA in the 1977-78 session.

important part of the summary and analysis required of the Administrator under Section 305(b), P.L. 92-500. It is important that the Regional summary is concise and that it is submitted on time. The Administrator's submission is mandated by Congress and a deadline is assigned.

The Region should review and evaluate the monitoring activities and, where applicable, the water quality modeling activities being conducted by State and local (Section 208) planning agencies to develop Phase II basin plans. Special emphasis should be placed on ensuring that the management plans have a valid technical base. We must be sure that our planning and regulatory programs are consistent with the solutions required to solve the water quality problems existing within each basin.

208 Agencies should not establish a general monitoring program, unless a specific parameter or problem requires direct attention and therefore selective monitoring. It is also important to insure that where a monitoring program is necessary Section 208 planning agencies have these monitoring programs approved. An approved field monitoring program is one which: (1) is sufficient to determine the nature and extent of water quality problems in the area, (2) provides a technical basis for plan development, and (3) is sufficient for the reliable testing of alternative abatement and control strategies.

It is recognized that joint ORD and Regional research and demonstration projects in the water monitoring area are a desirable way to increase the effectiveness of our research efforts while ensuring that operational needs are met. The Regions may choose to work with ORD

on certain ORD sponsored projects related to testing equipment and field evaluation, on methods testing and sample preservation techniques, and on validating or developing of mathematical models for water quality predictions. Research, and research application must be a cooperative effort if we are to achieve technical advances we need in water monitoring. A description of Regional involvement in an ORD/Regional research project should be included in the Regional water monitoring strategy.

The ORD has the lead role in coordinating the monitoring of unregulated pollutants. Unregulated pollutants are pollutants not yet included in the Section 307 toxics list, the drinking water standards, or in the effluent guidelines. Since these pollutants generally require more elaborate and expensive monitoring procedures and equipment, our knowledge of their sources and ambient distribution is still inadequate. We will want to know a great deal more about these harmful substances in the near future. In FY 1977, the Office of Toxic Substances and the ORD should work with the Office of Water and Hazardous Materials to develop an action plan for toxics and unregulated pollutants, and forward it to the Regions for their review and comment. In this connection, the Regions may choose to work with ORD on certain ORD-sponsored projects in this area. This action plan will be appropriate to the capabilities of the Regional laboratories, and will detail parameters and locations of interest, including drinking water supply intakes.

Monitoring for Water Supply

The intermedia nature of the water supply program requires that it be coordinated with other programs such as our planning programs, the Section 208 program, and the NPDES programs. Effective coordination between these efforts will reduce duplication and will improve communication between the various programs.

It is essential that the States assume primary enforcement responsibility as quickly as possible. Since the primary drinking water standards will become effective in FY 1977, the EPA will have to enforce the regulations in those States without primacy in order to comply with the requirements of the Act.

✓ Before a State can assume primacy under the Safe Drinking Water Act, it must establish a program for certifying labs conducting analysis of drinking water contaminants pursuant to the requirements of State drinking Water Regulations. An interim program for approving labs is acceptable until EPA establishes a National program for certification.

The Regions, in cooperation with the State, should also select currently operating ambient monitoring stations which are located near raw water supply intakes and tag them for possible inclusion into a national water monitoring network. These stations should be selected so that they serve as an effective link between the Section 208 and NPDES program and ambient water quality on the one hand and finished drinking water quality and health effects on the other.

A laboratory approval or certification program is essential for the State to assume primacy. The principal State laboratory performing drinking water analysis must be approved even if it has previously been evaluated and approved as a wastewater laboratory. Laboratory evaluation is not the same as laboratory certification. Acceptance criteria for certification will be forthcoming.

5. Municipal Operations

The goal of the National Municipal Operations Program (NMOP) is to improve and assure efficient and reliable performance of municipal wastewater treatment facilities. To accomplish this goal, a comprehensive national program carefully interrelating Federal, State, and local activities is required. Within this partnership the respective roles are these:

- . local ultimate responsibility for wastewater facility operations,
- . State responsibility for primary regulatory authority and assistance to municipalities, and
- . Federal overview to assure achievement of statutory goals.

The NMOP, thereby, will encourage and support State/local action on operating problems and will assure effective Federal action if and when State and local authorities are unable to respond. In most cases State/local self-sufficiency in municipal operations should be achieved by FY 1982 but prior to that time State-by-State evaluations of the need for continued direct Federal action will be necessary. During FY 1976 EPA Headquarters, in dialogue with Regions, States and localities, is undertaking guidance development and other necessary actions to support closely defined Regional

EPA and State program evaluation and information gathering activities during FY 1977. EPA Regions and States must also begin to document and resolve operating problems at existing plants. This can be achieved through a high level of technical assistance and O&M inspection activity in coordination with Regional/State NPDES permit and enforcement strategies. It is critical, however, that assistance activities and enforcement be closely planned and coordinated from the outset in all cases to assure effective use of all means for achieving effluent quality goals while at the same time avoiding actions that could compromise future enforcement remedies. During FY 1977 States and EPA Regions should emphasize the following activities:

- . To identify and evaluate plants which can be brought into near compliance by operational improvements.
- . To evaluate and strengthen the statutory framework for State/local municipal operations programs.
- . To evaluate current municipal operations-related programs and objectives against the expanded objectives of the National Municipal Operations Program.
- . To review and strengthen program planning and budgeting procedures.

- . To initiate a treatment facility personnel needs assessment using methodology developed by EPA Headquarters during FY 1976.
- . To implement a meaningful municipal operations information system similar to the EPA system or compatible with it.

6. Oil and Hazardous Spills Control.

*We are still having
far too many spills -
these command attention.*

Highest priority within this program is assigned to response actions relating to major spills. Preventive efforts through the preparation of plans receives a lesser priority. Oil spill prevention plan implementation compliance should be directed at major dischargers and repeat violators (non-transportation related onshore and offshore facilities).

The elimination of spills is the primary long-term objective of the EPA program; therefore, in addition to implementing the EPA oil prevention program, cases involving transportation-related facilities should be referred to the Coast Guard for appropriate preventive actions.

The Regions must continue their programs to minimize the impact of spills and ensure that proper removal and disposal methods are utilized. Increased emphasis should be placed on hazardous substances spill response in first half of FY 1977. (Assuming implementing regulations under Section 311 are promulgated last quarter of FY 1976).

After promulgation of the key hazardous substances regulation the National Contingency Plan will require major revision. Following the publication of the revised National Plan, Sub-regional, and/or State plans will need to be revised and updated. The new plans should be completed by the end of FY 1977.

7. Ocean Dumping.

- . Ocean Dumping Permits. An increase in ocean dumping permit applications may be anticipated in FY 1977 because of the determination by the EPA General Counsel's office that the depositing of drilling mud by off-shore oil operations is within the purview of the Marine Protection Act and permits will be required. Headquarters proposes to issue a general permit which will require implementation by the Regions. Special guidance will be developed for the Regions.
- . Ocean Incineration. A slight increase in permit applications may be expected in FY 1977. This could result in increased baseline survey requirements if new "burn sites" are to be designated. Additional monitoring requirements will also be placed on EPA to determine any affects on the air and marine environment resulting from this incineration. Both Regional and Headquarters support will be required in these monitoring efforts.

- . International Ocean Dumping Convention. The International Convention on the Prevention of Marine Pollution by the Dumping of Wastes and Other Matters came into force as a treaty in August 1975. The Marine Protection, Research, and Sanctuaries Act of 1972, as amended, is the enabling domestic legislation for the Convention in the United States and all permit activity will be developed by the Regions and Headquarters at meetings convened during FY 77.
- . Alternatives to Ocean Dumping. Considerable emphasis will be placed on getting permittees to seek alternatives to ocean dumping during FY 1977. This could impact the Regions and States in that additional efforts will be required in monitoring and coordination.

8. Dredged or Fill Materials Discharge Permits.

Substantial Regional personnel will be required in FY 1977 to review permits for the discharge of dredged or fill material in the waters of the United States. Regional personnel must be prepared to assist the Corps of Engineers in the implementation of the various phases of the Section 404 program, to develop language in coordination with Corps of Engineers representatives suitable for the general permitting activity, and to assist in the development of guidelines for use in overseeing the designation of sites by the Corps pursuant to Section 404(c) of the Act. Very close coordination and activity reporting between Regional and Headquarters personnel involved in this program will be required to insure sound, equitable and manageable program development.

9. Technical Studies and Support.

The Marine Sanitation Device Standard has prompted intense Congressional and citizen interest. It is expected that petitions under Section 312(f)(3) and (4) of the Act will continue to be received from the States. Regional representatives will become increasingly involved in such petitions and in ascertaining the reasonable availability of pumpout and treatment facilities for all vessels for waters specified in such petitions. Close coordination between the Regional and Headquarters personnel on each petition on a case-by-case basis will be required for maximum effectiveness.

✓ Regional representatives will be required to offer technical assistance to those interested in developing aquaculture projects, to review applications, and to approve appropriate aquaculture projects. In addition, such projects so approved must be monitored to insure that the receiving environment is afforded appropriate protection and that the aquaculture project is meeting the stipulations of the approval pursuant to the Agency's regulations addressing such activities.

10. SBA Loan Review

The objective of the Small Business Loan Program is to perform the necessary technical review either by the State or Federal government, for all applications for loans from the Small Business Administration in an expeditious manner so as not to impede discharger compliance. These reviews must be completed within 45 days.

By the beginning of FY 1977, several States should be carrying out SBA loan reviews. Technical review is confined to a determination of the necessity and adequacy of the proposed construction or modification, with SBA conducting the review of financial eligibility. The likely number of applications that will be received nationwide is directly related to pretreatment requirements imposed as well as enforcement of the NPDES program. States with NPDES permit authority should be encouraged to assume the responsibility for technical reviews and should advise small business with need for loans that the loan program is available.

ADDITIONAL REGIONAL GUIDANCE ON STATE PROGRAMS

Development of Joint State/Regional Work Planning Program.

The initial submission of the State program is due to the Regions on May 1. These will be used to formulate the Regional work plans due to Headquarters May 21. To support this process, similar program planning and reporting forms will be used by both the Regions and States. Of course, the same basic guidance documents will be used by both. Final program plans will be submitted to the Regions by September 1.

In order to properly interface work plan development with Section 106 process, Regional Offices must be in a position to finalize output commitments with the States early. The Regional Offices should have output numbers that are as accurate as possible by May 21. Under these circumstances, development of the work plan can proceed with relative confidence in State output commitments. Timely submission to Headquarters

of joint Regional/State output commitments will result. The mid-year evaluation, to be conducted during the month of April, should be an early indicator of what the State can realistically produce in the second half of FY 1977 and into FY 1978, and should be used as a beginning point for the FY 1978 negotiations.

The FY 1977 State program package will consist of:

1. Required grant administration documentation.
2. A State Strategy narrative, including an approved or proposed State monitoring program.
3. Construction grant priority list.
4. Outputs and Activity Indicators required by an EPA Regional Administrator.
5. A State/Regional schedule of planned efforts to formally define delegated responsibilities and other shared activities.

The last item above will require an identification of specific program areas and a schedule whereby the Region and State will develop formalized agreements on delegated and other shared program responsibilities during FY 1977. These agreements should serve to define the responsibilities and performance of each party in order to avoid possible duplication of effort, gaps in performance and possible misunderstanding among the parties as to their appropriate roles. Additional guidance on the structure and content of these agreements

will be issued within 90 days. The schedule should be submitted as a part of the final State program submission on September 1.

Public Participation

Important! EPA intends to evaluate in selected States public participation in the preparation of FY 77 State programs, including the identification of any unnecessary expenditures which do not significantly further effective public participation. Pending the outcome of the evaluation, previous guidance (i.e., the FY 1976 Operating Guidance) remains in effect. The essence of this guidance is the stress on effective participation without any specification as to the form which it must take.

State Program Funding.

It is expected that the final Section 106 regulations will be published by the end of March 1976, eliminating the incentive concept from this program. The following funding section has been prepared accordingly.

FY 1977 funding for State program grants will continue to be austere in relation to the Agency's objective of continuing to shift authority and responsibility to the State agencies. Within these resource constraints, three programs will receive priority emphasis. First, activities in support of the construction grants program should continue to increase. Compliance monitoring, enforcement, and reissuance and revision of NPDES permits will be

the second emphasis area. The third priority program will be statewide water quality management planning, which will be funded through both the 106 and 208 mechanisms. It will be the responsibility of the Regional Administrator to determine the proper mix of funds to assure an adequate level of activity in this important program. Decentralization of priority program functions, with particular stress on reduction of duplication of effort, should be a major effort in the development of Regional work plans and State programs.

The Regional Administrator has the authority to determine the division of each State's allocation by program area based on his judgement as to the most effective utilization of funds in that State. Regional Administrators, after consultation with the State, may decide to increase or reduce amounts for the three areas of priority emphasis as appropriate in individual States. The State Program budget format (Attachment 1) is designed to relate all resources directly to their program uses.

Changes in §35.912 and 35.913 of the Title II regulations (California fee) allow States which have the legislative authority to charge municipalities a fee for State activities in the review and approval of certain grant documents required in the construction grant program. Similarly, Section 208 planning and management agencies may enter into a contract with their State agencies whereby the Section 208 agency may pay the State a fee for State expenses

incurred in coordination and liaison with the Section 208 agency. Anticipated revenues from these sources should be noted in a footnote to the resources table in each State Program. Direct grants to States for water quality management planning under Section 208 in column 2, "208 grant funds." (See Attachment 1).

HR 16505 (the "Cleveland-Wright" amendment) or its successor represents a potential major source of funding for State Programs. If and when this amendment is passed, the funds to be derived will be considered as part of the total funds available to the State and will be included in the funding sources allocated by the State Program grant process. A footnote has been provided on the State Program resources table, Attachment 1, for recording any funds to be derived.

Policy Regarding Interstate Agencies

The final Section 106 regulations, which are to be published soon change the allocation ratios for interstate agencies in such a way that the dollar amount of their funding will remain constant, regardless of increasing Congressional appropriations. Other changes in EPA policy toward interstate agencies are being considered as the result of a review which has been conducted. It is anticipated that the conclusions of this review will be communicated to the Regional Offices by early April.

State Program Planning and Reporting Under FPRS.

Regions and States will summarize their plans in identical quantified commitments, milestones, and start levels on EPA form 3720-5 (Rev. 1-75), with individual States using the reverse side or an equivalent format as prescribed by an EPA Regional Administrator. (An initial submission by May 1, will satisfy Section 35.562(a) of the Regulations. A final submission is required (Section 35.562(b)) by September 1, 1976.

Joint agreements between EPA Regions and States should be reflected in all commitments involving both EPA State efforts. Only in cases of protracted disagreement between a Region and a State will commitments be unilaterally established. Any unilateral commitment will be identified as such, and the circumstances requiring it will be explained in the Region's program plan.

FPRS mid-year reports will be transmitted to EPA Headquarters by the Regions. FPRS data and any additional reports from the States required by Regional Administrators will be transmitted to the Regions as prescribed by the Regional Administrator in order to best serve the purposes of the joint on-site evaluation required by the Section 106 regulations (Section 35.570(a)).

The Regions should provide a copy of the State program plan submissions and the narrative reports on the mid-year evaluations to the State Management Branch, Water Planning Division.

ATTACHMENT 1State Water Pollution Control Program Resources

PROGRAM ELEMENT	1. FY77 9106 GRANT FUNDS	2. 208 GRANT FUNDS	3. NON-FEDERAL STATE FUNDS	4. TOTAL BUDGET (includes all sources of funding)	5. MAN-YEARS
Municipal Facilities Construction					
Point Source Permits					
Non-Point Source Management Activities (implementation)					
Water Quality Manage- ment Planning (to include water quality standards)					
Monitoring (to include ambient and effluent monitoring)					
Enforcement (to include compliance assurance activities)					
Training, Operational & Maintenance					
Public Participation					
Administration					
Other					
Total					

- 1) Funds to be derived from charges for the processing of construction grants \$ _____
- 2) Funds to be derived from retention of a % of the State's total Title II grants allocation \$ _____
- 3) Funds to be derived from charges for the overview of areawide 208 water quality management plan \$ _____

B. FY 1977 Water Quality Program Priorities

The National FY 1977 Water Quality Strategy Overview, with attendant modules providing more detailed description of the particular programs, describes the national priorities by which EPA will be guided in the management of both its Headquarters and field programs from October 1, 1976 through September 30, 1977, and beyond. The States and Regions will establish more detailed priorities tailored to their own areas in the development of their FY 1977 program plans. This section of the FY 1977 Water Quality Programs guidance sets the priorities that the States and Regional Offices must be guided by to effectively implement the national strategy and priorities during FY 1977.

As in the FY 1976 guidance, national water quality program priorities for State and Regional Office programs have been grouped into three broad categories. The order in which programs and parts of programs are listed within each of the broad categories should not be interpreted as a precise rank ordering of more detailed priorities, however.

Highest National Water Quality Program Priorities for State and Regional Office Implementation are given to municipal construction program management; Permits, Compliance Monitoring and Enforcement relating to major dischargers under NPDES; State and Regional Water Quality Management Planning and Standards; and related aspects of Water Monitoring.

Second National Water Quality Program Priorities include Municipal Operations; Oil and Hazardous Spills Response and Contingency planning programs; non-NPDES water enforcement; Federal interagency coordination in S208; Ocean site EIS and Ocean Dumping Permits; Dredged or Fill Materials Discharge Permits; SBA Loan Review; and related aspects of water monitoring.

Third National Priorities are for minor discharger permits, compliance Monitoring and enforcement; Oil and Hazardous Spill Prevention and Control programs; certain Technical Studies and Support programs which demand State and/or Regional participation; the Clean Lakes Program; and advertisement of the SBA Loan programs.

These FY 1977 priorities together with overriding priorities of of program operations decentralization to the States; Water monitoring; plus Federal facilities compliance and EIS, where applicable, are listed in greater detail below.

FY 77 National Water Quality Program Priorities

First Priority National Water Program Areas

NOTE: This Agency-wide FY 1977 Regional guidance package includes the same guidance on construction grants that was included in the December draft guidance. An amended guidance package for construction grants, responding to comments received on the December 1975 draft and other considerations was dispatched for further Regional review on February 9, 1976. Final guidance on Municipal Construction Programs will be issued by early March, 1976.

o Municipal Facilities Program Management (DRAFT)

- In fiscal year 1977 major emphasis in the construction grants program should be placed on sound program management to assure that high quality projects are awarded and completed in the most timely manner possible. In meeting this priority

objective the following activities should be undertaken.

- . Project schedules should be developed in the State project priority list. Schedules should be analyzed for timeliness and reasonableness of award and completion dates. One criterion for approval of priority lists should be the timeliness of scheduling projects through the three step process. Priority lists should include optimum mix of Step 1, 2, and 3 projects to assure a continuous smooth flowing program.
- . Following the approval of priority lists State and Regional Offices should take an active role to assure that project schedules are met. Maximum effort should be devoted to pre-application conferences and project assistance. Direct contact should be maintained with applicants to assure that grants are awarded and completed on schedule. This is especially true for projects in the early stages of development, i.e., planning and design.
- . Project schedules on State priority lists should be updated quarterly.
- . Continued emphasis should be placed on expeditious processing of grant applications after they are received in the State/Regional Office.
- . Projects should be closely monitored following the Step 3 award to assure that they are brought under construction in a timely manner and brought to completion on schedule. Our goal is to have all projects under construction within six months of grant award.
- . To assure maximum impact on water quality and the achievement of obligation quotas, primary emphasis should be directed to scheduling and managing larger projects.
- . Where appropriate, enforcement of municipal permit compliance schedules should be undertaken to hold projects to schedule.
- . Cost effectiveness goals should continue to be emphasized through pre-application conferences and detailed review of facilities plans and plans and specifications.

- . Environmental integrity should be assured by continuing to emphasize the quality of environmental assessments and the preparation of environmental impact statements where needed.
- A second major objective will be to expand the level of delegation and other forms of decentralization of the program to the States to the greatest extent feasible. In addition to the delegation of plans and specifications and O&M manuals, opportunities for delegation of inspections, bid reviews, change order review, facility plan review, etc. should also be explored.
- Other priorities of the construction grants program in FY 1977 are as follows:
 - . Regional personnel should be available to the States to them in developing their priority lists--especially for those States which have had serious problems applying EPA criteria (outlined in PG SM-4) to the lists.
 - . Regional Offices should move toward increased interim construction inspections and audits. The interagency agreement with the Corps and GSA should be utilized to reduce the need to use EPA personnel resources for this purpose.

o Permits, Compliance Monitoring and Enforcement (Federal facilities carry the same priority as other facilities of the same type).

-- EPA Program Priorities.

- . Increasing State participation in the NPDES program
- . Development and implementation of streamlined management systems.

-- National Priorities. (NOTE: Percentages indicate the relative ratio of resources to be expended on the National Priorities. The Program Priorities are implicit in the National Priorities and their execution is an integral part of the National Priority efforts.)

- . Assure completion of facilities by major industrial dischargers to meet BPT and WQS. (20%)
- . Resolve all outstanding adjudicatory hearing requests by major dischargers. (15%)
- . Issue, reissue, or modify major municipal and non-municipal permits (30%)
- . Assure compliance of major municipal permits with construction schedules (10%)
- . Insure compliance by major municipal and industrial facilities with effluent conditions (20%)

o Water Quality Management Planning

- Ensure development of State and areawide water quality management plans, consistent with the State/EPA agreement on timing and level of detail and in time to meet the November 1, 1978 deadline for submission of initial plans.
- Ensure that all State and areawide planning focuses on the most critical problems that can be resolved by the planning and management process, and encourage production of early planning outputs including Water Quality Standards reviews, to improve dialogue within planning areas and to provide input to other program elements.
- Assure effective EPA internal review and processing of completed Areawide plans.
- Increase emphasis on developing decision-making frameworks for control of nonpoint as well as point sources in the context of existing institutions.
- Continue emphasis of maintaining an active State management role in State and areawide water quality management plan development.
- Ensure that within each State and areawide water quality management planning agency adequate business management and other fiscal management procedures are followed.
- Program monitoring and analysis at the EPA Headquarters, EPA Regional and State levels will be undertaken to insure that potential needs for program assistance are identified early and acted on in a timely fashion.
- Intermedia coordination within EPA will be pursued to bring consideration of total residuals management into the 208 planning process.

o Water Monitoring

Throughout all monitoring priorities during FY 1977, consideration should be given, where applicable, to monitoring raw drinking water quality as well as general ambient water quality. Monitoring activities carried out in support of other programs (e.g.: enforcement, planning, EIS preparation) will carry the priority associated with those programs. Highest monitoring program priorities as necessary to support other 1st priority activities are:

- expansion and enhancement of the quality assurance program
- establishment and implementation of a laboratory certification program as part of the water supply program.
- continued management of Regional/USGS/State implementation of NWQSS.
- implementation of Appendix A (40 C.F.R. Part 35) coordinated through State and Regional monitoring strategy and ORD quality assurance procedures.

NOTE: To avoid repetition, no explicit monitoring priorities are listed among 2nd and 3rd level water quality program priorities, since supporting monitoring activities will carry the same priorities as other program areas listed at those levels.

SECOND PRIORITY NATIONAL WATER PROGRAM AREAS.

o Municipal Operations

- Evaluation of both existing municipal operations and training programs and of the legal and institutional possibilities for additional or alternative approaches at the State and local levels.
- State assessment of treatment facility personnel needs using a methodology developed by EPA Headquarters during FY 76.
- Evaluation and documentation by the States of operating efficiencies and problems of facilities not scheduled for funding under P.L. 92-500.

o Oil and Hazardous Spills

- Response capabilities and contingency planning.

o Permits, Compliance Monitoring and Enforcement* (Federal Facilities carry the same priority as other facilities of the same type).

- Achieve a high degree of compliance with non-NPDES water enforcement requirements (2%)

*See note in First Priority section regarding percentages and program priorities

o Preparation of ocean site EIS's.

o Water Quality Management Planning

- Coordination between EPA and affected Federal agencies holding lands within 208 areas will be strengthened to insure plan implementation process from the Federal as well as the local and State level.

o Ocean Dumping

- Review of applications and issuance of ocean dumping permits, including permits for emergency situations and discharges of drilling mud from offshore oil operations.

o Permits for Discharge of Dredged or Fill Material

- Issuance of general permits
- Review of individual permits and Corps of Engineers projects.

o SBA Loan Review

- Meeting obligatory 45 day limit on preparation of reviews

THIRD PRIORITY NATIONAL WATER PROGRAM AREAS

o Permits, Compliance Monitoring and Enforcement.* (Federal Facilities carry the same priority as other facilities of the same type).

- Assure compliance of minor industrial or municipal dischargers with permit conditions.
- Issue, reissue, or modify minor industrial or municipal permits.

- o Oil and Hazardous Spill Prevention and Control
- o Technical Studies and Support (Coastal Zone Management, Marine Sanitation Devices, etc.).
- o Clean Lanes Program
- o SBA Loan Review
 - Advising dischargers of the availability of SBA loans.

C. WATER QUALITY PROGRAM OUTPUTS AND ACTIVITY INDICATORS

The following is the list of outputs and activity indicators (A/I) requiring commitments and/or reporting through the Formal Planning and Reporting System (FPRS) during FY 1977. The list indicates for each output and A/I the reporting unit (Region or State), the milestone and/or reporting frequency, and whether a FY 1977 start level is required.

Abbreviations used to indicate the unit and frequency are:

<u>Reporting Units</u>	<u>Frequency</u>
Regional Total - T*	Q - quarterly
State-by-State - ByS	SA- semi-annually
	A - annually

* See specialized definitions of symbols used in 3., "Enforcement and Compliance Monitoring" list.

1. MUNICIPAL CONSTRUCTION (DRAFT)

This Agency-wide FY 1977 Regional Guidance package includes the same guidance on construction grants that was included in the December draft guidance. An amended guidance package for construction grants, responding to comments received on the 12/75 draft and other considerations was dispatched for further Regional review on 2/9/76. Final guidance on Municipal Construction Programs will be issued by early March, 1976.

<u>Outputs</u>	<u>Units</u>	<u>Freq.</u>	<u>Start Level?</u>
A. No. of new Step 1 Awards	ByS	Q	No
B. No. of new Step 2 Awards	ByS	Q	No
C. No. of new Step 3 Awards	ByS	Q	No
D. Total of Estimated Obligations (FY Fund Authority)	ByS	Q	No
E. No. of Step 1 projects completed	ByS	Q	No
F. No. of Step 2 projects completed	ByS	Q	No
G. No. of Step 3 projects completed	ByS	Q	No

Activity Indicators

1. Total PL 92-500 Project Outlays (Projected)	T	Q	No
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2. WATER PERMITS

<u>Outputs</u>	<u>Units</u>				<u>Freq.</u>	<u>Start Level</u>
	<u>Non-Municipal</u>		<u>Municipal</u>			
	<u>Major</u>	<u>Minor</u>	<u>Major</u>	<u>Minor</u>		
A. No. of permits issued or reissued (includes new sources)	ByS	ByS	ByS	ByS	Q	No
E. No. of major municipal permits modified.	-	-	ByS	-	SA	No

Activity Indicators

1., 2. No. of dischargers identified that must have a permit	ByS	-	ByS	-	SA	Yes
3., 4. No. of permits issued and in effect.	ByS	-	ByS	-	SA	Yes
5. No. of major, non-municipal permits modified.	ByS	-	-	-	SA	No
6. No. of major, non-municipal permits for which modification is requested.	T	-	-	-	SA	No
7. No. of major non-municipal permits for which modification is denied.	T	-	-	-	SA	No

3. COMPLIANCE MONITORING AND ENFORCEMENT

<u>Outputs</u>	<u>Non-Municipal (Major)</u>	<u>Units</u> <u>Municipal (Major)</u>	<u>Freq.</u>	<u>Start Level?</u>
<u>COMPLIANCE MONITORING</u>				
A.-D. Reconnaissance inspections	E+ST	E+ST	Q	No
E.-H. Sampling inspections	E+ST	E+ST	Q	No
I., H. Permittees in compliance with final effluent limitations	T	T	Q	No
K., L. Permittees in compliance with construction schedules	T	T(funded or fundable)	Q	No
M. Permittees in compliance with permit conditions	-	T(non- fundable)	Q	No

ADJUDICATORY HEARINGS

N. Unresolved requests	E (municipal and non-municipal)	Q	Yes
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ENFORCEMENT

O., P. Notices of violations	By AS	By AS	Q	No
Q., R. Administrative Orders	E	E	Q	No
S., T. 309 Referrals	E	E	Q	No

ACTIVITY INDICATORSCOMPLIANCE MONITORING

1.-4. Permittees in violation with final effluent limits	E+ST	E+ST	Q	No
5.-8. Permittees in violation with construction schedules	E+ST	E+ST (funded or fundable)	Q	No
9.-10. Permittees in violation with permit conditions		E+ST (non-fundable)	Q	No

<u>Outputs</u>	<u>Units</u>		<u>Freq.</u>	<u>Start Level?</u>
	<u>Non-Municipal</u> (Major)	<u>Municipal</u> (Major)		

ENFORCEMENT

11.12 NPDES violations referred
by State

By S

By S

Q

No

KEY:

E = EPA

ST = States Total

T = Total for Region Including State Lead Activity

By AS = Approved States

4. CONSTRUCTION GRANT EIS's

	<u>Units</u>	<u>Freq.</u>	<u>Start Level?</u>
A. No. of final EIS's filed with CEQ for Municipal Construction Grants	T	Q	No

5. NEW SOURCE EIS'sOutputs

None

Activity Indicators

1. Number of new source applications received	T	SA	No
2. Number of final EIS's filed with CEQ for new source NPDES permits	T	SA	No
3. Number of new source permits denied because of adverse environmental effects	T	SA	No
4. Number of negative declarations on new source NPDES permits	T	SA	No

6. FEDERAL FACILITIES (WATER)

109

Outputs

- A. Annual on-site inspections of major and minor sources either reconnaissance of sampling.
(Goal: 100% of those facilities out of compliance and 75% of those major facilities suspected of being out of compliance.)

UnitsFreq.Start Level?

T

SA

Yes

Activity Indicators

1. Number of known major Federal sources subject to NPDES, including non-filers.
2. Number of major sources out of compliance.
3. Number of major sources in compliance.
4. Total number of major permits issued
5. Total number of minor permits issued

T

SA

Yes

T

SA

Yes

T

SA

Yes

T

SA

Yes

T

SA

Yes

7. WATER QUALITY MANAGEMENT PLANNINGOutputs

- A. No. of State and areawide planning agencies with all relevant interim outputs completed.
- B. No. of States in which the water quality standards review and revision process required by section 303(e) has been completed by the State and any revisions have been approved by EPA.
- C. No. of State and areawide planning areas that have selected Best Management Practices for appropriate key outputs of the plan (SUSPENDED UNTIL FURTHER NOTICE.)
- D. No. of areawide plans which have been submitted to the State for pre-adoption review.
- E. No. of Phase I (Basin) plans adopted by the State and approved by EPA.

T

SA

Yes

T

Q

Yes

T

SA

Yes

T

SA

Yes

T

SA

Yes

Activity Indicators

	<u>Units</u>	<u>Freq.</u>	<u>Start Level?</u>
1. No. of State and areawide planning areas for which regulatory programs for one or more key outputs of the plan have been adopted by the State.	T	SA	Yes
2. No. of State and areawide planning areas which have been identified one or more of the management agencies to implement key outputs of the plan and have secured management agency acceptance for responsibility for implementing these key outputs.	T	SA	Yes

8. WATER MONITORINGOutputs

A. No. of State Laboratories evaluated.	T	SA	Yes
B. No. of NWQSS stations with current (within 3 months) data stored by Region.	T	Q	Yes

Activity Indicators

1. No. of State Quality assurance approved.	T	SA	Yes
2. No. of State Monitoring Strategies approved.	T	SA	Yes
3. No. of data transfer and STORET funding agreements approved.	T	SA	Yes

9. MUNICIPAL OPERATIONSOutputs

A. No. of municipal O&M inspections (EPA and State)	T	Q	No
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10. OIL AND HAZARDOUS SUBSTANCES SPILL PREVENTION AND CONTROL

<u>Outputs</u>	<u>Units</u>	<u>Freq.</u>	<u>Start Level?</u>
A. Number of SPOC plan compliance/implementation inspections. (During FY 76 only the oil prevention program has been fully operational).	T	SA	Yes

Activity Indicators

1. Number of cases* referred to Coast Guard for prevention action (transportation-related facilities)	T	SA	Yes
2. Number of cases referred to EPA for violation of EPA prevention regulations. (Non-transportation-related facilities).	T	SA	Yes
3. Number of spills requiring removal action by EPA.	T	SA	Yes
4. Number of spill removal actions monitored by EPA.	T	SA	Yes
5. Number of field inspections as a result of SPOC Plan Amendment Inspections.	T	SA	Yes

*Relating to either oil or hazardous substances

11. OCEAN DUMPING

Outputs

None

Activity Indicators

1. No. of dump site permit applications received and reviewed.	T	SA	Yes
2. No. of dump site permits issued.	T	SA	Yes
3. No. of enforcement actions resulting from Coast Guard Notices.	T	SA	Yes

D. DISCUSSION AND DEFINITIONS PERTAINING TO WATER QUALITY PROGRAM OUTPUTS AND ACTIVITY INDICATORS

1. MUNICIPAL CONSTRUCTION (DRAFT)

This Agency-wide FY 1977 Regional Guidance package includes the same guidance on construction grants that was included in the December draft guidance. An amended guidance package for construction grants, responding to comments received on the 12/75 draft and other considerations was dispatched for further Regional review on 2/9/76. Final guidance on Municipal Construction programs will be issued by early March, 1976.

Outputs A.-D Projecting and monitoring of new award data provides a means of measuring progress in moving projects into the planning, design, and construction stages with the objective of bringing projects on line as expeditiously as possible. This information can also be used (1) to measure relative progress in achieving goals across States or Regions, (2) to assess future funding needs on the mix of projects and (3) to determine Regional or State resource needs (i.e. as a workload indicator.) Projections will be based on an analysis of individual project schedules in approved priority lists.

Output D. Projecting and monitoring obligations is essential (1) to assure a smooth flowing, well managed, and cost effective program in each State and (2) to provide a basis for overall Agency obligation and outlay estimates to OMB and Congress. In addition to point (1) above, State level detail is necessary to provide early warning of possible problems in obligating funds prior to the expiration of legislative reallotment dates.

Outputs E.-G. Projecting and monitoring completion data provides a means of measuring progress in bringing projects through the planning, design, and construction stages and to completion as expeditiously as possible. The Agency performance on project completions has not received enough management attention in the past. As the number of active grants continues to increase, the post-grant activity will increasingly receive higher priority in the management of the program. The data for projections is provided through analysis of the age of existing projects against the expected standard time for completion of each step for each State.

Activity Indicator: 1. Projection required to manage overall outlay restriction under contract authority legislation. Also gives a second indication (along with completion data) on progress in post-grant activity.

2. NPDES PERMITS

All Outputs and A/I's. Major Dischargers are large identified dischargers plus any other dischargers that have a high potential for violation of water quality standards or are required to install substantial pollution abatement equipment. In addition, for municipal dischargers, it includes but is not limited to, all facilities which have received, or will receive, during FY 77, a construction grant (a funded or fundable project, p. D-3) and which are larger than 250,000 GPD.

Major Permits are permits issued to major dischargers.

Outputs A.-D. A permit is reissued only if it has expired or been revoked.

A/I's 1.-4. The number of permits issued and in effect is the total number of permits that have been issued and are wholly or partially in effect.

A/I 1., 2 An identified discharger is any known discharger that is required to have an NPDES permit. A discharger need not have applied for a permit to be included. Not all applicants are necessarily identified dischargers. Some applicants may be found not to need a permit; and when this is determined, such applicants should not be included as identified dischargers.

3. COMPLIANCE MONITORING AND ENFORCEMENT

Outputs A.-M. The term "compliance monitoring" is a generic term meant to cover all activities taken to ascertain a discharger's compliance status. This includes, but is not limited to compliance inspections and NPDES related sampling inspections, reconnaissance inspections, O&M inspections; as well as compliance review; the review of discharge monitoring reports and compliance schedule reports. "Compliance monitoring" may also include aerial monitoring and special site visits for other non-NPDES enforcement purposes but compliance monitoring resources have not been provided to support these efforts.

Outputs A.-H. A visit to a facility for compliance inspection is to be counted in only one of the categories listed. Thus, a single visit cannot be counted as an O&M as well as a sampling and/or reconnaissance inspection. It must be one or the other. (See Output 9.a.)

Outputs A.-D.

Reconnaissance Inspections include brief visits to a permittee made for one or more of the following purposes:

1. Observe status of construction required by permit;
2. Quickly assess the adequacy of the permittee's self-monitoring program.

3. Check records; and
4. Express concern that permit requirements be met.

Outputs E.-H. Sampling Inspections include inspections where a representative sample is taken and analyzed in the laboratory. They usually would have the purpose of verifying the accuracy of the permittee's discharge monitoring reports. It may also serve, where appropriate, to gather detailed information on effluent quality for preparation of a legal case against the permittee.

A "representative sample" is a sample taken during the course of an operating day weighted as appropriate for variation in flow and strength to be representative of the effluent discharged during that period and is compatible with the type of sample required by the permittee.

A grab sample can be taken to satisfy this definition instead of composite samples only in those instances where the nature of the manufacturing process and wastewater treatment facility together produce a stable effluent.

It is expected that there would be a very low number of grab samples taken within a given reporting period. Furthermore, it is expected that every major permittee meeting final effluent limitations be visited at least once a year. Remaining major permittees which are not scheduled to meet final effluent limits should be visited on a priority basis, with first priority going to those permittees with interim final effluent limitations.

Outputs I.,J. The Regions are responsible for obtaining State commitments to these activities and for ensuring that these commitments are fulfilled. Therefore, one number will be reported by each region for each of the above four outputs, which includes Regional as well as State activity. However, we expect the Regions to keep the separate state commitments and reports on file. By FY 1977 PCS will have the capacity to accept this information.

Outputs I.-J. Permittees shall be counted in compliance with effluent limitations when all of the following are true:

1. All compliance schedule reports required by the permit during the quarter are submitted on time.
2. The reports are completed satisfactorily.
3. The reports indicate that the compliance schedule is being met.
4. No information exists from other sources such as field inspections that the compliance schedule is not being met..

Outputs K.-M. Funded or Fundable Projects refers to POWT's where a Step 1, 2 and/or 3 construction grant project directed toward achieving the necessary effluent requirements is currently funded or

occupies a position on a priority list such that it can be reasonably expected that Federal funding will be available in Fiscal Year 1977, from current authorizations.

Output N. To be included in the output for unresolved adjudicatory hearing requests are those requests which, 6 months after receipt, have not been (1) withdrawn, (2) resolved by stipulation which is signed by all parties and approved by Headquarters, or (3) resolved by initial decision of the Regional Administrator.

A/I 1.-4 See Outputs e.-h. and i.-j., above.

A/I 1.-10 We have separated the state total from EPA-lead activity for these A/I. Do not double count. Where the State takes the lead action, the State reports; Where EPA takes the lead action, EPA reports. See also Outputs A.-M, above.

A/I 5.-8. See Outputs K.L, above

A/I 5-10 See Outputs k.-m., above

General definition: The Enforcement Management System (See p. A8) will provide improved guidance and assistance to the Regions and the States, and more effective management of the national compliance and enforcement program. Our emphases are on establishing essential and consistent procedural and substantive policies on self-monitoring and reporting, on compliance tracking, on enforcement response, and on data management.

4. CONSTRUCTION GRANT EIS'S

The Agency's objective is to provide thorough environmental review of all municipal construction grant projects for which a Step 1 grant has been awarded and for all projects for which Step 2 or Step 3 grant applications have been received without prior Step 1 grants, with appropriate steps taken to ensure funding environmentally sound, cost-effective projects.

Output A. The FY 1977 output is one measure of Regional Office NEPA compliance in the municipal construction program. This measure along with the number of negative declarations issued (to be obtained from the GICS system) represents the bulk of the required work in NEPA compliance in the program.

The number of "final EIS's filed" is an output unit rather than an activity indicator because the Regional Offices must plan and commit themselves to EIS's early in the fiscal year if the contract mechanism and piggyback approach are to be used effectively.

5. NEW SOURCE EIS's

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The Agency's objective is to provide thorough environmental assessment of all new source discharge permits (NPDES) issued by EPA. OFA has agreed with the regional offices that an output commitment would be inappropriate until we have more experience in estimating future new source permit applications.

A/I 2. This activity indicator provides one reliable indicator of regional performance in the area of EIS preparation for new sources, although it does not provide a complete indication of the overall EIS preparation activity.

A/I 3. The second activity indicator provides a measure of the extent to which adverse impacts are being prevented by the program.

A/I 4. This activity indicator provides a running tally of regional performance in performing environmental reviews of applications for new source NPDES permits.

6. FEDERAL FACILITIES (WATER)

The Agency's objectives are to assure the compliance status of FEDERAL FACILITIES WITH NPDES requirements, and to issue, or reissue, NPDES permits to Federal facilities as required.

Output A. A source is out of compliance if -

1. It repeatedly fails to meet NPDES reporting requirements despite efforts (e.g. letters of advice) to obtain complete, accurate, and timely reports, or

2. Reports indicate that the permit schedule on applicable effluent limitations are not being met, or

3. Information from field inspections and other sources demonstrate that self-monitoring reports are inaccurate

A/I 1., 2. These A/I's should include non-filers. A "source" may include more than one discharge point.

A/I's 1, 3, 4. Activity Indicators (a)-(b+c)=the number of major sources of unknown compliance status.

A/I's 3, 4 See Output a., above.

7. WATER QUALITY MANAGEMENT PLANNING

Outputs A.-E. These outputs reflect the significant milestones necessary to establish management objectives for the products of the water quality management plans. As such, they provide the major activity accomplishments which are necessary to assure that the 208 program provides strong water quality decisions at the conclusion of the planning process while establishing a process for environmental

decision-making for consideration of future water quality concerns throughout the nation.

Output A. Interim outputs are those outputs called for in Program Guidance Memorandum AM-2.

Output B. Footnotes are to be used to list states which have "completed" their reviews and revisions. Only States fully expected to be, or actually "completed" prior to FY 77 are to be reported and listed in start levels.

Only States actually "completed" in the first half of FY 77 need to be listed in the 3/31/77 report. However, any States erroneously listed as "completed" prior to FY 77 are to be identified, and also counted as completed in the reporting period during which they achieve actual "completed" status. Other States actually "completed" during the 2nd half of FY 77 are to be listed in the 9/30/77 report.

A/I's 1., 2. The Activity Indicators which track the development of regulatory programs will provide information beginning in FY 77 and in the latter stages of Phase II on institutional activities which are difficult to quantify in other terms. These indicators should reveal program progress as activities move from the planning to the implementation phase. Key outputs are those outputs identified by the planning agency in the Project Control Plan or the State-EPA Agreement as the priority outputs, or primary focus, of the planning process.

NOTE: Under the provisions of the Deputy Administrator memorandum of October 3, 1975, the Headquarters Water Planning Division will be operating an informal system for collection of management information. This will include semi-annual trips by Headquarters personnel to each region for the purpose of comparing each planning agency's progress against their Project Control Plans. The Water Planning Division intends to expand this informal management system to cover State as well as areawide planning.

8. WATER MONITORING

Output A. Evaluation of State laboratories is a condition for approving a State's water monitoring program.

State laboratory evaluations to be counted here should follow the general laboratory evaluation procedures used by the Regions, personal inspection using standard sample or reference sample checks.

Output B. This output is a continuation of the existing program and serves as the core form which will grow an expanded network incorporating those State stations conforming to NWQSS criteria and approved by the Region.

A/I's 1.-3. Approval of the State water monitoring program is a condition for approving a State's water pollution control program

grant under section 106 of Public Law 92-500 under the monitoring regulations of Appendix A to the grant regulations now in effect.

Approved State quality assurance programs, State monitoring strategies and data transfer, and STORET data systems funding agreements are basic contingencies for the approval of State water monitoring programs.

A/I 1. Approval of a State quality assurance program means that the Region is satisfied that the field and laboratory procedures being used by the State are adequate for the intended use of the data, and that the Region is not hesitant to use the State's data as if it were its own. Quality assurance guidance is based on the document entitled: "Minimal Requirements for a Water Quality Assurance Program."

A/I 2. Approval of a State monitoring strategy means that the Region knows, and is satisfied with the rationale and levels of effort assigned to the individual components of the State monitoring program.

A/I 3. Approval of data transfer and STORET funding agreements means that the Region knows what data are being transferred into the STORET data system, and that the stations being entered are properly identified and located. For States not currently using the STORET system, approval of the data transfer agreement means that those data being collected by the State and that are of use and interest to the EPA are available in an agreed-on form.

9. MUNICIPAL OPERATIONS

Output A. This output directly impacts municipal treatment facility performance and reliability in support of both National Municipal Operations Program and NPDES objectives. During FY 1977 the primary emphasis of these activities will be upon identifying and helping to resolve operating problems of existing municipal treatment plants which are in actual or imminent violation of their permits but could be brought into or near compliance with improved operations and maintenance. Such activities must be closely planned and coordinated with enforcement to assure the most effective approach to achieving permit conditions without compromising subsequent enforcement action.

O&M inspections should be conducted by States and/or Regions at all major facilities ("expanded list") and at 5% to 10% of the minor facilities. Joint compliance monitoring and O&M inspections are encouraged wherever possible to extend available resources; also to identify permit violations related to operating problems amenable to correction through enforcement actions voluntary compliance by the permittee and his consultants, or technical assistance as justified on a case-by-case basis.

An O&M inspection is any facility inspection conducted by State and/or EPA Regional personnel which results in a fully completed EPA-Form

7500-5. (An O&M inspection is not the same as a reconnaissance visit.)

10. OIL AND HAZARDOUS SUBSTANCES SPILL PREVENTION AND CONTROL

A/I 1. Effectiveness depends upon the overall development of the hazardous materials aspects of the program during FY 76 and FY 77.

A/I 2.-5. The reporting mechanism has proved to be, and will continue to be an effective mechanism for the future support of the oil prevention, control and enforcement programs.

11. OCEAN DUMPING

A/I 1., 2. Revised regulations and criteria will be effective in FY 1977 including a new section on dump sites management.

WATER SUPPLY
REGIONAL GUIDANCE
FY 1977

The new water supply program is off to an excellent start. As the strategy indicates we view the states as the keystone to this effort. Keep up the good work!

Water Supply Program Overview Statement

The implementation of the Safe Drinking Water Act is one of the Agency's highest priorities. The National Interim Primary Drinking Water Regulations that were promulgated on December 24, 1975, will become effective June 24, 1977. FY 77 will be a critical period for the Agency and the States. State assumption of primary enforcement responsibility for public water systems is a primary objective of the Agency. The Agency will be required to assume primacy in those States that have not assumed the responsibility by June 24, 1977. Therefore it is important that the States succeed in developing and structuring programs that meet the requirements for primary enforcement responsibility during FY 77. The limitations of time, funds, and manpower require the establishment of Federal/State priorities in implementing the Safe Drinking Water Act. The National Safe Drinking Water Strategy, One Step At A Time, issued May 1975, commits the Agency to a flexible and phased approach in implementing the Safe Drinking Water Act. This approach is embodied in the implementation and grant regulations that were promulgated January 20, 1976, as well as in the interim primary drinking water regulations.

The water supply guidance establishes priorities to be used by the States and Regions in developing and implementing their plans for FY 77. Within the framework of the national program guidance and the draft strategy document, the Regions and States are expected to establish more specific plans and priorities tailored to their own areas and needs.

Public Water System Supervision

The first priority requires that the States acquire the necessary statutory or regulatory authority and establish program activities that will enable them to qualify for primary enforcement responsibility. Due to a four-month delay in meeting the statutory deadline for promulgating the implementation and grant regulations, an April 1, 1976, deadline was established for FY 76 State program grant applications. Within one year from the date of the first grant award, the States must assume primary enforcement responsibility (primacy) for the public water systems supervision programs. Thus, for the first three quarters of FY 77 the Regional/State efforts will be directed toward State assumption of primary enforcement responsibility.

The second level priorities will concern the structure of an organization and the development of a plan that will enable the States and EPA (in those States without primacy) to implement the program. State/Regional efforts will focus on implementation activities during the latter part of FY 77. Although State assumption

of primary enforcement responsibility is the first order of priority in FY 77 it is also expected that Regional and State efforts will be directed at developing plans and strategies for implementation.

A preliminary determination of water supply problem areas and identification of those systems that will be in non-compliance should put the States in a position to develop realistic implementation plans with available resources.

Underground Injection Control

The first priority requires that the States acquire the necessary statutory or regulatory authority which will enable them to qualify for primary enforcement responsibility. The Regions are to initiate an assessment of existing statutory authorities, and of existing State resources and coordinate a State inventory of underground injection facilities. As soon as the underground injection control and grant regulations are published, program guidance relating to the issuance of program grants, technical assistance to the States in developing State program submissions, and in the evaluation of program applications and in the issuance of underground injection control rule procedures will be issued.

The second level priorities relate to reviewing Federal financial assistance projects proposed within sole program source aquifer areas, coordinating of the UIC permit program with the NPDES program and 208 plans and preparing technical evaluations of sole source aquifer petitions.

In developing Regional/State plans and strategies for FY 77, other sections of the regional operating guidance should be consulted. Implementation of program plans will require coordination with other EPA program areas such as grants administration, regional counsel, enforcement, 208 planning and NPDES programs.

FY 77 WATER SUPPLY PROGRAM PRIORITIES

This section of the FY 77 Water Supply Program guidance sets forth FY 77 National priorities that will provide the basis for development of Regional and State plans for the Fiscal Year. The priorities are grouped into two broad categories.

First Order Priorities

1. Primary enforcement responsibility

The FY 76 Regional efforts were directed toward assisting the States in meeting the requirements for primary enforcement responsibility for the public water systems supervision program. State assumption of primacy should remain the top priority item in the States and Regional Offices in FY 77.

- Review State legislation to determine needed modifications and ensure the adoption of necessary statutory or regulatory authority.
- Establish activities and other program elements required for primacy.
- States will develop material, required by 40 CFR 142.11, for submission to EPA for a determination of primary enforcement responsibility. Regional offices will review State submissions and provide opportunity for and conduct necessary hearings on each determination.

2. State Program plans/grant application

Consistent with the national drinking water strategy, the Regional Office should provide assistance to the States in developing a phased multi-year program plan and budget for implementing and enforcing the State's primary drinking water regulations including an evaluation of staffing and facility requirements. The State plans should be submitted pursuant to Part IV of the State program grant application. The State plans should provide the basis for determining State capabilities and future resource needs as well as providing EPA with valuable data and information in developing the final National drinking water strategy.

3. State Implementation

State efforts should be directed toward developing plans and strategies for implementation in FY 77. An assessment of water supply problems and program capabilities should assist the States to prepare for implementation. The Regions should provide advice and technical assistance to the States.

- ✓ - Identify water supply problem areas in the States.

- ✓ - Determine the public water systems that will be unable to comply with a requirement(s) of the State primary drinking water regulations. Emphasis should be placed on community water systems. As resources permit, sanitary surveys of these systems should be conducted to identify the nature and extent of problems.
- ✓ - Develop compliance strategies and public notification procedures.
- ✓ - Estimate the number of systems that will require variances or exemptions. Sanitary surveys and existing State records will provide a good basis for these estimates. Focus on problem areas such as fluorides, radium, etc.
- Develop criteria and procedures for variances and exemptions.
- ✓ - Evaluate the availability and capability of commercial, institutional and governmental laboratories in the States.

4. Laboratory Certification

In order to meet one of the requirements for primary enforcement responsibility, a State must establish and maintain programs for certifying laboratories conducting analysis for drinking water contaminants pursuant to the requirements of

the State drinking water regulations. Until such time that EPA establishes a National quality assurance program for laboratory certification, a State will be permitted to maintain an interim program for the purpose of approving those laboratories from which the required analytical measurements will be acceptable. The National quality assurance program is included as a high level priority item in the "water quality" section of the regional guidance.

5. Inventory

The States should up-date the inventory of community water systems and initiate an inventory of non-community systems. Although the national inventory of non-community systems will not be complete enough to factor this group into the allocation of FY 77 State program grants, this group of systems will be covered by the State's primary drinking water regulations. The initiation of an inventory of these systems is essential to the development of the States implementation plans. The Regions are to provide annually a report to Headquarters on the number of community and non-community systems inventoried.

6. Underground Injection Control Program

The Regional Offices should continue to provide technical assistance to the States in evaluating existing State statutory authorities,

in assessing State resources, in developing State plans, etc. to meet the primacy requirements for underground injection control programs. In addition, priority should be given to:

- Coordination of State inventory of underground injection facilities.
- Technical assistance to States in the evaluation of program applications and issuance of underground injection control rule procedures.

7. EPA Implementation Plans

The Agency will be required to assume primacy for public water system supervision in those States that have not assumed the responsibility by June 24, 1977. The Agency cannot realistically expect to assume a State's role in implementing the Safe Drinking Water Act. It is expected that the Regional Offices will develop a contingency plan based on available resources and capabilities.

The Regional office should also develop an alternate plan with estimated resources needed for a minimum level of effort that will be required to implement the program and satisfy the requirements of the Safe Drinking Water Act. The plan should indicate the level of supplemental budget that will be required. Regional plans should be developed within the framework of a National

plan that will be issued by the Headquarters Office. In formulating contingency plans, the Regional Office water supply program should investigate a number of areas.

- The type of working agreements that can be arranged with the States to split the implementation and enforcement responsibilities.
- The capability and resources available in other Regional program areas such as enforcement, general counsel.

Second Order Priorities

Federal and State resources available for establishing and implementing the Safe Drinking Water Act during FY 77 requires that first priority be given to those activities listed in the preceding section. As pointed out in the overview statement however, it is expected that the Regional Offices and States will use the guidance to develop program plans tailored to their own needs and particular circumstances. For this reason the Regions and States may deem it necessary to consider some of the following activities as higher priority items.

1. Management Information System

The Headquarters Office is currently developing a National system tailored to meet State-Federal needs. Until the

system is available for Regional implementation, the Regional Offices should develop a plan for collecting and managing data submitted by the States during FY 77.

2. Underground Injection Control Programs

- Review Federal financial assistance projects proposed within designated sole source aquifer areas.
- Coordinate UIC permit program with NPDES permit program and 208 plans.
- Prepare technical evaluations of areas for which a petition for sole source designation has been received.

3. Interstate Carriers

Continue the operation of the ICWS program in each State until the State achieves primacy. This should be followed by monitoring for an appropriate period prior the relinquishment of the responsibility to the States.

4. Organics Monitoring Survey

40 CFR 141.40 provides for a special monitoring survey for organic chemicals in drinking water. The survey will include 112 public water systems. The Regional Offices will be responsible for coordinating the collection of samples and, as

resources permit, visits to each sampling site. The Regional Offices should coordinate the collection of required records and background information on each system with the respective States.

5. Technical Assistance

Provide technical assistance to the States on water supply problems and activities, with priority given to emergencies and public health hazards.

- Emergency response to disasters and civil disruption.
- Provide technical assistance in water treatment and delivery on a non-emergency basis.
- Receive requests for toxicological opinions from States and coordinate responses from ORD.

6. 208 Planning

The 208 program will be responsible for ensuring that the protection of water supply sources is reflected in the 208 plans.

- Any initial or revised work plans submitted by 208 agencies should be reviewed to insure that an appropriate level of concern for the protection of drinking water sources is incorporated in the planning process.

- For all 208 agencies indicating that drinking water is a problem area, State and local agencies in charge of drinking water supplies should be consulted during the development of the 208 plan. Special attention should be given to include the Regional and State water supply personnel in the review process.
- If the 208 designated area is dependent on an underground source of drinking water, the 208 plan should locate and design waste disposal facilities so as to prevent the contamination of such aquifer through its recharge zone.

Water Supply Program Outputs

Abbreviations used to indicate the units and frequency are:

Reporting Units

Regional Total - T

Frequency

Q = quarterly

A = annually

<u>Program Outputs</u>	<u>Units</u>	<u>Freq.</u>	<u>Start Level?</u>
A. Number of Public Water System program grants awarded	T	A	Yes
B. Number of State Public Water System Primacy determinations made	T	Q	Yes

(Outputs CandD suspended until further notice)

C. Number of Underground Injection Control Grants awarded	T	A	Yes
D. Number of Underground Injection Control primacy determinations made	T	Q	Yes

PESTICIDES
REGIONAL GUIDANCE
FY 1977

This next year is the critical year for the pesticides program, especially the reregistration of pesticides and the applicator certification programs. We must work more closely with state officials, extension agents, farm organizations, and farmers and implement our program with as much of the spirit of the helping hand as possible.

Pesticides Regional Operational Guidance

FY 1977

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FY 1977

SCOPE OF REGIONAL OPERATIONS, OBJECTIVE AND OUTPUTS

A. Scope of Operations1. General Objectives

The basic goals for Regional operations in FY'77 are:

- to have the cooperative Federal-State programs in operation with mutually acceptable commitments to carry out mandated and delegated responsibilities under FIFRA, as amended.
- to have reached self-sufficiency in State certification programs in FY'77 so they can operate without Federal funding support in FY'78.

2. General Operations

Although the recent Congressional extension of the 1972 FIFRA gives us twelve additional operating months of catch-up time in FY'77, Federal and State cooperative efforts to develop sound operational bases for the necessary key programs during FY'76 will have considerable impact on and determine the levels and effectiveness of FY 1977 performance. All States are expected to have pesticides legislation by FY'77 reflecting new responsibilities and expanded programs not previously required. Notwithstanding the significant start already made on the implementation of FIFRA in the areas of applicator certification and training, as well as cooperative Federal-State enforcement and other new programs, the further development and expansion of these efforts

through FY 1977 will be key factors in achieving major objectives under the Act.

Achievement of assigned objectives, including essential supporting activities will be the prime focus of Regional as well as Headquarter's FY'77 operations. Prior to the delays concerning Sec. (3)(c)(1)(D), the bulk of reregistrations (Federal and State) were expected to be completed in FY'76. Maximum reregistration efforts will still be made to achieve optimal output by the original October 1976 target date. This is particularly critical because of the fact that some States have October 21, 1976, written into their State law as the effective date for pesticide applicators to be certified. This will still prevail (unless amended by the State) irrespective of the recent FIFRA extension by Congress. However, it can be assumed that there will still be a considerable reregistration workload in FY'77 as well as handling some of the feedback of long-range data referrals on temporary non-renewable reregistrations and some rebuttable presumption applications, in addition to the normal base input of new registration applications and amendments. Present estimates are that in the course of batch reviews for reregistration, an estimated 35 percent or more of the product base will be affected by gaps in essential support data. OPM has directed that Regions be directly involved in the development of Section 3 Guidelines and Appendix. The Region V Pesticides Branch Chief has been designated as Regional Coordinator in this

area. We estimated five or six packages for coordinated regional review in FY'77.

Emphasis in the enforcement area will be to develop and implement additional Federal-State cooperative agreements supported with grants-in-aid. These agreements will involve State participation in cooperative enforcement programs, primarily in the areas of market and use surveillance and sharing of evidence. Since States are knowledgeable about local pesticides production, marketing and use, their cooperative efforts can significantly enhance the national enforcement program. The industry compliance program will concentrate on ensuring that registration and classification requirements are satisfied.

Concerning Applicator Certification and Training, as we approach FY'77, indications are that States will not generally slow down present FY'76 momentum because of the one year extension and will continue to cooperate fully in the implementation of these programs. It is expected that about 20 percent of the estimated 2.0 million total states' needs for certified applicators will be achieved in FY'76 leaving 80 percent to be certified by the FY'77 growing season. Obviously what is considered an adequate number to meet a State's needs is at the discretion of the State. In this respect, agency policy needs to be flexible enough to accommodate some States on timing and acceptable

*This is urgent!
We are making progress now - let's build the momentum!*

standards for applicators. Recent Congressional actions on the extension of FIFRA authorization to April 1977 and approval of the funding levels in the FY'76 Pesticides Budget, including the proposals for certification and training are expected to favorably influence State attitudes on cooperation, commitments and accomplishments as we move toward FY'77. Hopefully this FY'76 funding support will offset negative reactions which we may get from some States on the one year FIFRA extension. FY'76 EPA funds to support State Cooperative Extension Service training of private and commercial applicators should be sufficient to extend State training programs through FY'77 to meet certification needs. The FY'77 Budget does not continue funding support of USDA/ES applicator training but does provide continuation of certification program funding at the FY'76 level to continue development of their programs. Federal funding support for certification after FY'77 is not planned and State programs should aim to be self-sufficient by FY'78.

Some of the problems previously associated with commonly used pesticides are expected to be reduced by improved labeling and packaging and by precautions followed by applicators as a result of certification and training. Human illness as well as work loss from pesticide intoxication can be reduced through this general improved knowledge and training. Damage to crops, wildlife and farm animals, as well as the quantities of food and feed that previously have been destroyed because of illegal residues resulting from failure to follow directions for use, can all be vastly reduced. Furthermore, problems resulting from home use of pesticides are expected to decline, because

of the availability for home use of comparatively innocuous but effective general use pesticides. OPP will work closely with Regions to define and quantitate the problem of pesticide intoxication associated with occupation and home/garden usage.

OPP intends to have a comprehensive integrated Hazard Evaluation System in operation in FY'77. The HES core-group which was assembled in March 1975, has taken a three phased approach to the problem: conceptualization, design and implementation. This group is now finalizing the conceptual phase. 1/ Because we have already established conditional hazard evaluation procedures during the registration process, HES will focus primarily on post-registration associated with pesticide use and misuse except as it relates to data during experimental use permit situations. During FY'77 Regions will be expected to take an active role on the implementation of the hazard evaluation system. Data from monitoring ambient pesticide residues in humans and soils, estuaries, surface waters, ocean fish, and air and from accident reporting, product sample analyses and special surveys will provide important inputs into the system.

The Regions will have a key role in implementing this.

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- 1/ 1) Identification and description of exogenous hazard evaluation systems; 2) description of the existing hazard evaluation process in OPP; 3) development of framework for evaluating HES alternatives.

These data will be assembled to provide a more comprehensive and integrated method of assessing environmental and human health hazards. It will also contribute to decision making during the reregistration, rebuttable presumption, cancellation and suspension processes, in addition to contributing more effective public education and public relations programs. Pesticides Branch Chiefs from Regions V and IX are included in the HES core group and each has the responsibility for coordinating the activities of four other regions (Region V Branch Chief covers for I, II, III and IV; Region IX Branch Chief covers for VI, VII, VIII and X). During the design phase the core group will clarify the direction and scope of the Agency approach, including Regional activities and responsibilities.

The National Monitoring Plan for Pesticides required under the new Act encourages the Regions and, through them, their component States to participate in the National Pesticide Monitoring Program. Participation may be through the conduct of future ambient monitoring in such a way that data can be coordinated and integrated with that from national monitoring networks. The Plan also encourages Regional/State liaison with EPA Headquarters in indicating needs for special monitoring projects or recommending modifications in ongoing operations, and in the review and update of the Plan itself. Regions will be advised by the Technical Services Division/OPP on working with States to achieve monitoring programs compatible with national programs and data compatible with the Hazard Evaluation System.

On the question of regionalization of registration activities, there has been a lot of talk on Regions handling "me too" registrations. However, the expected regulations under Sec. 3(c)(1)(D) and 3(c)(2) of the Act not only preclude the possibility of "me too" registrations in that every application will require its own or referenced supporting data but will require a careful check by experienced reviewers on the basis for this data. We do however see Regions serving as useful contact points for interpreting and servicing smaller firms in their areas of registration and reregistration procedures. Because of the general interest in this area of regionalization, OPP had intended to run a pilot program in a selected Region in FY'77 to assess the cost-effectiveness of decentralizing certain registration functions. However, because of the proposed 32 position cut in the OPP FY'77 headquarter's ceiling, this project will be dropped.

An important and necessary part of Regional preparation of FY'77 Program Plans is a status review and reassessment of FY'76 output commitments to determine a valid starting base of operations for FY 1977. This review should be based on actual achievements for the first half of FY'76 operations, and expected capabilities and performance for the second half of the year assuming publication of remaining key regulations, allocation of remaining FY'76 certification and training funds at the planned levels and certification of about twenty percent of private and commercial applications by the start of the 1976 growing season.

Concerning Section 24(c) interim certification approval, the OPP HQ's Review Panel will continue to review and clear submissions for approval until final regulations are published as presently estimated about July 1976. Meanwhile OPP expects a final decision soon from the Administrator on the delegation of authority for final approval of State Plans under Sections 24(c) and 5(f).

Available Regional manpower to accomplish pesticide program commitments in FY'77 as well as unscheduled activities and needs will be as tight as FY'76. Recognizing that no two Regions are alike in demands placed on available manpower and that individual regional operational needs must be met, Headquarters suggests that as a general guide, from an overall national program viewpoint, the assignment of resources to Technical Assistance Output Titles 1, 3, and 6/7 should be about a 50-20-10 percent ratio leaving 20 percent for unscheduled needs. Assignment of regional effort to Enforcement Output Titles 2, 4, and 5 should be on a 30-30-30 percent ratio leaving 10 percent for unscheduled needs. This should not be interpreted as unscheduled needs having lowest priority. Resource constraints demand competitive assessments of needs and an unforeseen contingency may well have highest priority at that time.

3. Operating Objectives and Priorities for FY 1977

Congressional authorization for appropriations to EPA for the administration of FIFRA has been extended to April 1, 1977. When EPA appears before the House and Senate Appropriations Committees at the spring Budget Hearings in 1976 and 1977, it will be expected to present current assessments of accomplishments against

objectives under FIFRA. The review will also include a discussion of operating problems and issues, as well as an objective appraisal of the job yet to be done. Timely State and Regional feedback on these items is an obvious prerequisite to a factual presentation of status and needs before the Committees and to the Agency being successfully persuasive on FY'77 needs. It is important therefore that Regions and States carefully assess the following priorities in terms of what can and cannot realistically be achieved in FY'77 and what are the critical problems and issues to be brought to the attention of the Agency and Congress.

PRIORITY 1

- Ensure Acceptable Operation of State Applicator Certification Programs

This needs to be retained as a first priority by regions. The Agency is on record with OMB and the Congress to ensure completion of all necessary applicator certification by the 1977 growing season, hence the need to continue maximum State momentum (where necessary) through March - October 1977 to complete any needed catch-up. Also on the basis of Congressional interest concerning this program during the FIFRA reauthorization hearings, as well as the favorable State support for applicator certification, anything less than top-priority Agency cooperation until the objective is achieved would result in severe criticism from Congress and the States. Although FIFRA does not require training of applicators, nor do EPA Standards for Applicators require States to provide training, it is the principal assurance that certification will be truly effective.

Furthermore, most applicators will need some training in order to meet State certification requirements. Recent Senate - House Conference Committee action to amend FIFRA included that..... States will have an option whether or not to require the taking or passing of an examination, or both. The Congressional Committees have put the Agency on notice that they will be assessing its performance in this area at the FY'77 Budget and 1977 Reauthorization Hearings.

- Strengthen Federal-State Cooperation in the Enforcement of FIFRA, as Amended

Pesticide Enforcement places the highest priority on the participation of States in cooperative enforcement programs. State Agencies can uniquely complement the Agency's pesticide enforcement program and such cooperation is highly desirable so as to eliminate duplication of effort now existing between Federal and State programs. However, many States, because of budgetary constraints, will require Federal funding assistance in order to participate in cooperative programs. The proposed FY'77 budget provides some grants-in-aid funds to 25 States.

- Ensure Acceptable Operating State Registration and Experimental Use Permit Programs for Special Local Use

A number of States have already received or are in the process of receiving interim certification approval under Section 24(c). Final regulations are expected to be published March or April 1976. Many States have already assigned high priority to Section 24(c) operations by their actions requesting interim certification. The Agency continues this same top priority into FY'77 for the processing of Section 24(c) and 5(f) plans. At this year's Congressional

Reauthorization Hearings on FIFRA, considerable interest was voiced on the importance of State registrations helping States in resolving the minor use pesticides problems. The Agency has an obligation to be ready to provide prompt assistance in getting the registration and experimental use permit programs moving for special local needs and ensure the acceptability of State registrations and experimental use permit issuances. Agency performance in this area will certainly be under scrutiny by Congressional Committees in the Spring of 1976 and 1977.

PRIORITY 2

- Ensure Industry Compliance with Registration Requirements

The need for continued surveillance of industry compliance with formulation and labeling requirements is dictated by the potential impact on the environment and health resulting from violations. The importance of inspection of producer establishments because of the need to discover harmful products before they enter market-place channels cannot be overstated. Top priority for inspection and sampling will be placed on intrastate and restricted use products.

- Ensure Compliance with Label Directions for Use

A major thrust of pesticides enforcement in FY'77 will be to ensure proper use, including the application, storage and disposal of pesticide products. Regions should ensure proper coordination and consistency between enforcement and use surveillance as a non-enforcement voluntary compliance approach. Past experience

has shown that poor use practices result in local environmental and health problems, which under the new Act are unlawful. The Agency recognizes the need to develop more extensive knowledge on use practices and hazards, hence the high priority now given the implementation of a comprehensive hazard evaluation system by the OPP, in its headquarter's FY'77 operations. Impact from increased experimental pesticide usage which increased in FY'76, imposes an additional obligation on EPA to improve its knowledge of results of such usage which can be most unpredictable. Regions in cooperation with States are responsible for follow-up actions where misuse is suspected as having occurred.

PRIORITY 3

- Explore needs for and Availability of Training Techniques Information on Integrated Pest Management

An amendment to FIFRA resulting from the Reauthorization Hearings requires EPA to make instructional materials on integrated pest management techniques and information available to farmers and others at no cost to them. EPA is expected by Congress to work closely with USDA on this. The amendment does not affect the certification process; it only adds to the need for better EPA promotion of this program.

- Ensure Acceptable Operating Accident Reporting and Investigation Programs

The development of effective and comprehensive accident reporting in cooperation with State agencies involved in the use and effects of pesticides will greatly enhance the Agency's ability to identify and correct label deficiencies, use patterns and packaging problems. The data will

also provide an important input to the hazard evaluation system. Technical assistance to States concerning proper disposal methods for empty containers and unused pesticides would help avoid environmentally damaging incidents and potential violations.

B. Discussion of Regional Outputs and Related Activities

Output Title 1 Ensure Acceptable Operation of State Certification Programs

Output Unit A Number of States with Operational Applicator Certification Programs (Quarterly)

Regardless of the recent extension of the effective date of FIFRA, it is generally assumed that all the States and Territories will have approved certification and training plans well before the end of FY'76 and programs already in operation at varying levels of implementation by the start of FY'77. Operational guidance has just been sent to the Regions on "self-certification" and also the Agency interpretation of what is "adequate information and affirmations to carry out the intent of the Act." The amendment gives States the option of whether or not to require the taking and the passing of an examination, or both. It should also be noted that the amendment states "the Administrator may require any pesticide dealer participating in a certification program to be licensed under an approved State licensing program." The 1977 growing season is the critical point in time when applicator certification needs must be met. This leaves the period between March and October 1977 for any necessary catch-up certification before the extended effective date of October 21, 1977.

Concerning the Agency funding assistance for FY'76, allocations have been and are being made to Regions and to the USDA-ES according to previous planning commitments. Over one million applicator training manuals have also been distributed. The EPA FY'77 Budget now with Congress does not continue the \$5.0 million funding of the USDA-ES applicator training program because FY'76 funding is considered adequate to sustain State programs into the 1977 growing season. The \$5.2 million for EPA allocation to States in FY'77 for certification and training is included in the FY'77 Budget and will be continued as needed through Regions to States. Regions should work closely with States to ensure their plans provide for the utilization of other non-EPA funds such as with the Federal/State Vocational Agriculture Education System or other such resources that will augment present training capabilities. Such non-EPA funded education and training programs should be encouraged to accommodate the inclusion of applicator training.

It is particularly important in the development of individual Regional plans for FY'77, that the OPP is adequately informed at the time of Regional submission, of States' intentions, particularly if there are any significant stipulations concerning Federal financial assistance and other conditions. It is equally important for OPP to be kept fully informed on the status and performance of State programs, as well as changing conditions, so that the Agency can give Congress a knowledgeable status report and prognosis at the 1976 spring budget hearings.

Section 4 Regulations stress the need for maintenance of State Plans and require the submission of annual and other reports by States on the implementation and maintenance of State Plans.

Particular attention needs to be given to the adequacy and acceptability of optimal approaches being used by States on certification and training, as well as, performance levels of certification and training and the degree of commonality of effort between States.

This will probably require a substantial surveillance program starting in some Regions in FY'77 and continued into successive years but probably on a less substantial level.

Output Title 2 Strengthen Federal-State Certification in the Enforcement of the FIFRA, as amended

Output Unit A Number of States Involved in Cooperative Programs (Semi-Annual)

Section 23(a) (1) of FIFRA authorizes EPA "to enter into cooperative agreements with States to delegate to any State the authority to cooperate in the enforcement of the Act through the use of its personnel or facilities, to train personnel of the State to cooperate in the enforcement of the Act, and to assist States in implementing cooperative enforcement programs through grants-in-aid."

Congress clearly intended that the States should play a vital role in implementing enforcement of the new Act. State agencies can uniquely complement the Federal pesticide enforcement program. Particularly in the areas of market and use surveillance and sharing evidence for enforcement actions, Federal activities must be supplemented by State programs if there is to be a credible public effort to protect human health and the environment from the hazards associated with pesticide production and application.

All fifty States have some type of pesticide control program, although a number of States funding constraints severely limit their enforcement program. EPA can benefit greatly from the resources and expertise provided by States. State officials are more closely associated with pesticide producers and the pesticide uses than are EPA Headquarters or Regional Offices. They are, therefore, more aware of local pesticide trade customs, pest problems, and use patterns. Specifically, State personnel are best equipped to supplement EPA's surveillance activities in the following areas:

- Use of restricted use pesticides by certified applicators.
- Use of registered pesticides in conformance with label or labeling.
- Collection and analysis of use dilution samples.
- Review of product labels and labeling for unregistered or misbranded products.

EPA has awarded pesticide enforcement grants-in-aid to Hawaii, Washington, Maine, North Carolina, California and Puerto Rico, primarily to study the feasibility of such a grants program. PED has drafted a general Federal-State Cooperative Enforcement Agreement, with various sub-parts such as producer establishment inspections, use investigations, recalls, sharing of evidence in enforcement actions. States will be encouraged to enter into cooperative agreements, either totally cooperative in all aspects or at least partially cooperative in certain areas, such as recalls. Guidance will be provided by PED in the selection of States for participation in these programs and on the allocation of funds. Emphasis will be placed on developing a cooperative climate whereby the Federal Government manages overall national policy within which States can operate based on local need.

✓ Regional Offices should plan on entering into cooperative enforcement agreements with at least one State in the Region. A model Federal-State Cooperative Enforcement Program based on the pilot grants and information gained from the State capability reports has been developed by HQ. This model program outlines areas of responsibility for EPA and the States and encourages States to cooperate in a joint enforcement program. Regions should attempt to set certain objectives with the States in terms of numbers of producer establishments inspections, number of samples, etc.

Development and implementation of Federal-State cooperative enforcement programs has high priority in FY'77 and Regions should commit approximately 30 percent of their pesticide enforcement resources to this effort.

Activities which States will be performing for EPA, such as collecting samples or inspecting producer establishments in connection with the pilot grant program, should be noted separately from those which will involve Federal Resources alone. In other words if Region I has an agreement with the State of Maine, through a grant-in-aid or otherwise, that State will collect a certain number of samples, do a certain number of use investigations, etc.; those numbers that Maine has agreed to should be clearly distinguishable from those numbers that the Region is committing to do.

Output Title 3 Ensure Acceptable Operating State Registration and
Experimental Use Permit Programs for Special
Local Needs

Output Unit A : Number of States Operating Special Local
Use Registration Programs (Quarterly)

Output Unit B : Number of States Operating Special Local Use
Experimental Permit Programs (Quarterly)

As previously stated, final regulations on Sections 24(c) and 5(f) are scheduled for publication about July 1976. It is expected that most States intending to operate a program under Section 24(c) will have received an interim certification approval by April 1976. The subsequent review/approval process on State certification following publication of the final regulations is therefore expected to take considerably less time for those States already having interim certification. Although Headquarters has final responsibility for approval of submissions for interim certification, Regions may be delegated responsibility for subsequent approval on certifications under Section 24(c) after publication of these regulations. A decision by the Administrator on this is expected soon and Headquarters will continue these functions pending this decision.

Since Section 24(c) provides for withdrawal of EPA certification in the event of a State's consistent failure or refusal to carry out the requirements of the Act, it will be important for Regions being prepared to:

- work closely with States during the interim period and to assess their capabilities and needs, especially those States which may have problems on meeting the the regulations
- hold special meetings whenever needed with States and jointly with an OPP Registration Division representative

- encourage States in training and upgrading their technical capabilities (scientific review, laboratory analysis and, etc.) and get Headquarter's assistance on this as needed
- ensure coordination between enforcement and technical assistance activities on surveillance of State performance

Regions have a key role in working with States to develop and implement these programs, for monitoring State performance on registration of pesticides under Section 24(c) and to insure prompt notification to Headquarters of any operational problems or violations requiring action.

A few States are expected to want to issue Sec. 5(f) experimental use permits particularly to support special local needs for registration under Section 24(c). It should be noted that Sec. 5(f) plans to be submitted by States must comply with all the provisions of Section 4 relating to State plans. Authority for final approval of Section 5(f) State plans will be decided at the same time as for 24(c). However, Section 24(c) approval may be obtained on a contingency basis without requesting similar approval for Section 5(f). Since requirements for State plans under Section 4 provide for corrective actions in the event the Agency determines the State is not administering the permit program in accordance with the approved plan, it will be important for Regions being prepared to:

- work closely with States to assess their needs and capabilities to operate an acceptable program
- encourage States in training and upgrading their technical capabilities
- ensure coordination between enforcement and technical assistance activities on surveillance of State performance (See objective 3b)

Regional surveillance of State performance under Section 5(f) is not for the purpose of monitoring of studies to gather scientific data. The purpose is to prevent violations of experimental use wherever possible and to prosecute violators.

Output Title 4 Ensure Industry Compliance with Registration Requirements

Output Unit A Number of Producer Establishments Inspected (Quarterly)

Output Unit B Number of Import Investigations (Semi-annual)

Output Unit C Number of Marketplace Investigations (Semi-annual)

✓ The Agency has developed much more sophisticated data regarding pesticide formulation and distribution through its computer systems, notably the Pesticide Analysis and Retrieval Control System (PARCS), the Pesticides Enforcement Management System (PEMS) and the Establishment Registration Support System (ERSS). In addition, the Agency conducted a random sampling survey of pesticide producers during FY 74 and has inspected approximately 70 percent of these pesticide producers. The results of this survey will enable the Agency to focus its inspection and sampling efforts on those areas found to have high rates of violation. The FY'77 pesticide sampling program will have, in addition to the overall direction provided by the results of the previous random sampling, data from three other sources factored in. These sources are:

- a) Production data required by Section 7
- b) Products whose efficacy is suspect
- c) Restricted use pesticides

The use of production information required by Section 7 of FIFRA will allow the Agency to direct some of its sampling effort to products which are produced in large amounts and thus have potential environmental impact. The Establishment Registration Support System (ERSS) will supply this data. The Product Surveillance List (formerly the Suspect Use List) will identify pesticides and devices that require further scrutiny. This list is the outcome of a joint effort by OPP divisions and PED. The Technical Services Division (OPP) will provide resources necessary for biological examinations of such products. Results of these examinations will be forwarded to the Regions and the Registration Division for appropriate action.

With the new registration of intrastate products and the classification of all pesticides, it is imperative that high priority continues to be assigned to this objective. Regions will select those producer establishments that they wish to inspect within the following guidelines:

- 1) unknowns (particularly newly registered intrastate establishments);
- 2) known violators including reinspection of those firms with recently completed litigation; 3) firms with no violations or only very minor warnings.

PED will provide guidance on the sampling mix. In addition to determining product compliance during the course of producer establishment inspections, Regions should also determine whether the firm is complying with Section 7, Registration of Establishment and Section 8, Books and Records. Guidance on decisions may be found in the Inspector's Manual.

EPA has awarded pesticide enforcement grants-in-aid to Hawaii, Washington, Maine, North Carolina, California and Puerto Rico, primarily to study the feasibility of such a grants program. The Agency proposal to expand this program in FY'76 with cooperative enforcement agreements in ten States at approximately \$250,000 each was disallowed by OMB in its FY'76 Budget review. However, despite the unavailability of additional FY'76 funds with which to enter into such cooperative enforcement agreements, EPA pursued non-funded agreements with States. For FY'77 the Agency requested \$1.9 million for the program to be used to ensure State commitment and to enable States to participate in the program to an extent not possible without monetary assistance. There is uncertainty at present whether all or only part of the grants proposal will be included in the President's Budget now being prepared by OMB. PED has drafted a general Federal-State Cooperative Enforcement Agreement, with various sub-parts such as producer establishment inspections, use investigations, recalls, sharing of evidence in enforcement actions. States will be encouraged to enter into cooperative agreements, either totally cooperative in all aspects or at least partially cooperative in certain areas, such as recalls. Emphasis will be placed on developing a cooperative climate whereby the Federal government manages overall national policy within which States can operate based on local need.

The National Field Investigation Center (NFIC), Denver, Colorado, has been converted to a multi-media laboratory. This laboratory has committed approximately 14 man years toward assisting the pesticide enforcement program. The areas of assistance will likely be 1) laboratory analysis and perhaps field investigatory assistance to support misuse cases; 2) training for EPA personnel on conduct during adjudicatory proceedings; 3) analysis of pesticides for anti-microbial action to support case proceedings. This will be developed in cooperation with the Technical Services Division, OPP which has the lead responsibility. This support will be confirmatory in nature; 4) cooperative research with OPP to develop methods for pesticide products. This will complement the on-going TSD/OPP program which has been in operation for many years. Regions should be aware of this additional support to the program, details of which will follow. — *and make use of it.*

Output Title 5 Ensure Compliance with Label Directions for Use

Cutput Unit A . Number of Experimental Use Observations
(Quarterly)

Cutput Unit B . Number of Use and Re-entry Observations
Conducted (Quarterly)

Pesticides Enforcement Division (PED) and the Office of Pesticides Programs have complementary programs which: 1) inform EPA of instances of pesticides misuse; 2) provide for a case-by-case review of certain instances so that a consistent national policy regarding pesticide misuse can be developed. It is the intent of training, education, and public cooperation to reinforce the Agency's enforcement program and encourage compliance with label directions for use.

Because of the difficulties inherent in monitoring such a wide-spread activity as pesticide use, PED has initiated a pesticide use enforcement program which has four aspects: (1) follow-up on reports of misuse, including reports involving possible violations of reentry standards; (2) audit of professional pesticide users such as structural and agricultural pest control operators; (3) development of procedures to promote the free flow of complaints relating to misuse and violations of reentry standards; and (4) cooperation with States, other Federal Agencies, the use industry, and user organizations to encourage compliance with FIFRA and with reentry standards.

PED is currently implementing a program to receive information regarding incidents of misuse by enlisting the cooperation of other Federal and State agencies which share an interest in the area of pesticide use, as well as of user organizations, public interest groups, and the public at large. Toward this end, during FY'76 EPA will have entered into cooperative agreements for the exchange of enforcement information with the following agencies or groups:

- a) Food and Drug Administration, DHEW
- b) Bureau of Sport Fisheries and Wildlife, USDI
- c) Federal Aviation Administration, DOT
- d) Occupational Safety and Health Administration, DOL
- e) Consumer Product Safety Commission
- f) Animal and Plant Health Inspection Service, USDA
- g) State Pesticide Regulatory Agencies

Instructions and guidelines implementing each Memorandum of Agreement will be issued by each Agency and exchanged by each Agency. These will identify interagency contracts and liaison representatives and set forth pertinent operating procedures to be

followed. In the case of the Agencies listed under a) through f) above, Regional Offices will be expected to develop local working procedures based upon the national agreements. Considerations must be given to the need for interagency training sessions in order that: 1) reasonable accurate decisions can be made by extra-EPA personnel as to the existence of FIFRA violations; 2) EPA inspection personnel can recognize violations of other statutes which EPA will assist in the enforcement of, under the terms of the Memorandum of Agreement; and 3) enforcement/inspection information forms are currently prepared and routinely exchanged.

Regions will also be receiving information concerning pesticide episodes from the Pesticide Episode Reporting System (PERS). Some of these episodes may be the result of users not following directions on the pesticide's label. Regions are expected to investigate all instances of alleged pesticide misuse.

EPA published final regulations on Section 5(d) Experimental Use Permits, on April 30, 1975. It is possible that the number of Experimental Use Permits may increase because of the new restrictions on the type of experimental testing that can be performed without an experimental use permit. In addition, Federal and State personnel who conduct research in the field of pesticides are no longer exempt from the requirements of obtaining an experimental use permit. In monitoring experimental use, Regions should follow the "Procedural Guidelines for the Administration and Supervision of Experimental Use Permits" issued March 8, 1974, by the Office of Pesticide Programs. Basically, these state that Regions are

responsible for all Experimental Use Permits issued to producers within their Region. Inter-regional cooperation is necessary to the extent that experimental pesticides may be used exclusively or extensively outside of the Region where the permittee is located. The Region where the permittee is located is responsible for obtaining and disseminating to other Regions the names of participants and cooperators in experimental use permit programs. Regions where experimental use is being conducted are responsible for contacting participants and for monitoring such experimental use. Though all experimental use permits should be monitored to some extent, attention should be given according to the suggested list of priorities contained in the March 8th memorandum. Regions should note a new provision in the Experimental Permit regulations that deal with importation of technical material. Technical materials may be imported without registration (but not without adequate labeling) in sufficient quantities to formulate a pesticide for which an Experimental Use Permit has been requested. In cases where the permittee has stated that such importation will occur, Regions should devote special attention to this imported material.

Regional Offices are expected to devote approximately thirty percent of their pesticide enforcement resources toward ensuring compliance with all use requirements, including experimental use, other applications, storage, disposal and re-entry.

Output Title 6 Explore Needs for and Availability of Training Techniques Information on Integrated Pest Management

A quantitative output commitment is not feasible under this objective, however Regions should attempt to determine as soon as

possible from constituent States, the IPM techniques on which information is needed, in what form and volume and when.

Because integrated pest management techniques provide alternatives to using only chemicals for pest management, it has not been given proper consideration by the general agricultural community including Federal, State and private sectors. I.P.M. is beneficial in a manner similar to many sound farm management practices presently in wide use. Insofar as manpower and other priority commitments will allow, Regions should work closely with States, and in coordination with USDA on determining needs for information on special non-chemical techniques for controlling pests and insects and ensuring adequate information is made available through the applicator training programs.

Some information is available in EPA on the types of on-going and projected pest-management programs in States, Regions can provide a needed focal point for feedback from States on needs for information on IPM techniques, and also provide a major distribution point for the Agency to States on information concerning non-chemical pest management techniques. Some of the program techniques being used in States at the present time include:

- Scouting or Pest Population Monitoring Programs
- Cultural Treatment Programs
- Trap Crop Programs, or Programs on Breeding Resistant Crops
- Chemo-Sterilant Programs or Autocidal Programs

However, whereas there are many channels of information and assistance available to farmers and other pesticide users on chemical pest control agents, they have no way of knowing at present what

are the alternative non-chemical techniques. It was because of this situation that the PL 94-140 amendment to Section 4 now provides for EPA making instruction materials concerning integrated pest management techniques available to individuals at their request. It is not intended however, that applicator training plans require any individual receive instruction or to be shown competent in respect to the use of such techniques. Headquarters will be working jointly with Regions and with the USDA on the development of instructional materials and will be making them available as soon as possible through State applicator state training and certification channels. Regions should ensure that States notify interested individuals of the availability of instructional materials.

Output Title 7 Ensure Acceptable Operation Accident Reporting and Investigation Programs

Output Unit A Number of States Operating Accident Control Program (Annual)

For various reasons, the PERS has not provided the type of substantive input which had been planned. In terms of comparative priorities, the Regional-State program cannot be given a higher priority than it has. However, current and valid data from accidents and incidents involving the use, storage and transportation of pesticides are still considered a vital input to the hazard evaluation system and also to the reregistration process. Effective ✓ accident reporting can greatly enhance the Agency's ability to identify and correct label deficiencies and contribute to the development of useful public education and upgrading applicator training.

States which currently report accidents through PERS should continue to do so particularly those States having PERS contracts.

It has been obvious that some States could not implement worthwhile reporting without seriously diluting efforts to get certification and training programs implemented. In weighing relative priorities, this is understandable and acceptable. However, applicator participation in accident reporting should be encouraged since they should have both the technical qualifications and the direct use and/or observation experience needed to provide reliable reports of accidents.

APPENDIX A ACTIVITY INDICATORS

Output Title 1 Ensure Acceptable Operation of State Certification Programs

- | | | |
|---|---|--------|
| 1 | Number of Pesticide Applicators Certified Private/Commercial (by State) | Annual |
| 2 | Number of Pesticide Applicators Trained Private/Commercial (by State) | Annual |

Output Title 2 Strengthen Federal-State Cooperation in the Enforcement of the FIFRA as Amended

- | | | |
|---|---|-------------|
| 1 | Number of producer establishments inspected by State | Semi-annual |
| 2 | Number of samples collected at establishments by State | Semi-annual |
| 3 | Number of marketplace samples collected by State | Semi-annual |
| 4 | Number of foreign import products sampled | Semi-annual |
| 5 | Number of use, re-entry, and/or experimental use incidents investigated | Semi-annual |

Output Title 4 Ensure Industry Compliance with Registration Requirements

- | | | |
|---|--|-----------|
| 1 | Number of product labels reviewed at establishments | Quarterly |
| 2 | Number of producer establishment samples collected | Quarterly |
| 3 | Number of section 9(c) warnings resulting from establishment inspection activities | Quarterly |
| 4 | Number of civil complaints resulting from establishment inspection activities | Quarterly |

5	Number of import entries reviewed	Quarterly
6	Number of foreign import samples collected	Quarterly
7	Number of import detentions	Quarterly
8	Number of marketplace samples collected	Quarterly
9	Number of section 9(c) warnings resulting from marketplace activities	Quarterly
10	Number of civil complaints resulting from marketplace activities	Quarterly
11	Number of criminal prosecutions resulting from all product/producer violations	Semi-annual
12	Number of stop sale, use or removal orders resulting from all product/producer violations	Semi-annual
13	Number of recalls initiated	Semi-annaul
14	Number of samples forwarded for chemical analysis	Quarterly

Output Title 5 Ensure Compliance with Label Directors for Use

1	Number of experimental use permits monitored	Quarterly
2	Number of section 9(c) use warnings issued	Semi-annual
3	Number of section 14(a)(2) warnings issued	Quarterly
4	Number of civil complaints resulting from use activities	Semi-annual
5	Number of cases referred to U.S. attorney on criminal prosecutions resulting from use activities	Semi-annual
6	Number of stop sale, use, or removal orders and seizures resulting from use activities	Semi-annual

DEFINITIONS

PESTICIDE ENFORCEMENT ACTIVITY INDICATORS

Output Title 2 - Federal-State Cooperation

ACTIVITY INDICATORS: State activities are to be reported separate from regional activities; furthermore, each State must have its own individual report; the activity indicators listed will not apply to each cooperative State agreement -- each State should report only on those activity indicators contained in its cooperative agreement

2, 3, & 4 (SAMPLES COLLECTED): report official samples only

5 (USE, RE-ENTRY, AND EXPERIMENTAL USE OBSERVATIONS): report all routine observations made (an observation is a visit made to a field to determine if label directions for mixing, applying, etc., are adhered to, to a dealer to determine if the terms of an experimental permit are adhered to, to an institution to determine if a pest control operator is applying a pesticide under proper conditions, etc.)

Output Title 4 - INDUSTRY COMPLIANCE

OUTPUT (Import Investigations): commit to visits to be made for examination and/or sampling of a product in import status even though the visit may not be to a port

2, 6, & 8 (SAMPLES COLLECTED): report official samples only

3, 4, 7, 9, 10, 11, 12, 13, & 14 (ENFORCEMENT ACTIONS): report all enforcement actions taken against product/producer violations; report separately by type of action and source (establishment or marketplace); include actions taken as a result of violations discovered by cooperative State efforts

5 (IMPORT ENTRIES REVIEWED): note that the Notice of Arrival (EPA Form 3540-1) now comes directly from the importer instead of from Customs

14 (SAMPLES FOR CHEMICAL ANALYSIS): include samples obtained from establishment, marketplace and ports

Output Title 5 - USE COMPLIANCE

OUTPUT (PERMITS MONITORED): commit to the total number of permits to be monitored regardless of the number of actual observations made to monitor one permit

3, 4, 5, & 6 (ENFORCEMENT ACTIONS): report all enforcement actions taken against use, re-entry, and experimental use violations; reort separately for each type of action; include actions taken as a result of violations discovered by cooperative State efforts.

SOLID WASTE MANAGEMENT

REGIONAL GUIDANCE

FY 1977

We are making some excellent progress, working with state and local agencies on a cooperative basis, in developing improved solid waste management plans, especially for hazardous wastes. This is extremely important work, and we should push it hard.

FY 77 REGIONAL SOLID WASTE MANAGEMENT GUIDANCE**I. Program Goals**

EPA is engaged in developing and implementing an environmentally sound national solid waste management program whose goals are: (1) to assure that acceptable and safe methods of managing solid waste are utilized, and (2) to conserve material and energy resources through the recovery and reduction of solid waste.

An integral element of a viable national solid waste management program is strong and effective State programs. The Agency's Solid Waste Management Strategy envisions that the primary role of State government, in solid waste management, is the control of all land disposal sites where any type of waste is disposed. Ancillary to disposal site control are programs to properly manage hazardous wastes throughout their life cycle. The third State program priority is the effort to bring about increased resource recovery and to initiate waste reduction programs.

✓ The major outputs of last year were State solid waste management strategies. This year, the EPA activities will assist States in completing those strategies and developing programs to implement those strategies that have been adopted.

✓ The Agency's waste-to-energy technical assistance program attempts to accelerate the recovery of energy from solid waste generated in major cities of the United States. This will be accomplished by initially providing assistance to States and cities that are judged to have a high implementation potential.

Executive Order 11752 and Section 211 of the Solid Waste Disposal Act, as amended, make EPA's guidelines for solid waste management obligatory standards for Federal Executive Agencies. Only the land disposal guidelines will be implemented in FY 77. EPA's goal in the guidelines implementation effort is to foster compliance through monitoring Federal Agency compliance efforts, and providing guidance and technical assistance to Federal Agencies in implementation.

II. Regional Role

A. Introduction

The principal Regional Office role in implementing the Agency's Solid Waste Management Strategy is assistance in development of State programs. Headquarters will support the Regional Offices by providing policy guidance and providing specialized technical, scientific and economic tools in the form of information and direct assistance.

Technical assistance efforts of the Regional Office should take advantage of available tools such as the Solid Waste Information Retrieval System, Injury Reporting System, Collection Management Information System, Waste Resources Allocation Program, and Technical Information Services. Specialized technical assistance services will continue to be provided from headquarters, at the request of the Regional Offices. However, as a general rule the Regional Offices are responsible for the delivery of technical assistance.

B. Development of State Programs

Objective: To develop State programs capable of implementing State control over all land disposal sites where any type of waste, except radioactive, is disposed of; initiating hazardous waste control programs; stimulating the recovery of energy and material resources from solid waste; reducing solid waste generation; and utilizing land use planning procedures in the siting of solid waste management facilities.

To ensure that this objective is met, the Regional Offices should first update the analysis (initiated in FY 76) of each State solid waste management program.

The analysis of each State program should include, but not be limited to a discussion of the States':

(1) Disposal Site Control

Land disposal control legislation, regulations, permit and/or license procedures, monitoring, surveillance and enforcement of activities, detailed inventory of land disposal sites, technical assistance capability and efforts to minimize ground and surface water pollution from mismanaged sites. State comprehensive land use planning procedures and controls that may be applicable to solid waste management facility siting and Section 208, PL92-500 planning activities that may impact on solid waste management should be considered.

(2) Hazardous Waste Control

Hazardous waste management data base development, problem definition, legislation, regulations, surveillance, enforcement and technical

assistance.

(3) Resource Conservation Activities

Resource recovery and waste reduction legislation, regulation, financial assistance, market studies, regional studies, institutional studies, and technical assistance. Evidence of local government commitment to resource recovery and waste reduction should also be included in this analysis.

(4) Resources

State commitment to solid waste management as indicated by resource, organization structure, assistance from other State agencies, and State action to assure that qualified manpower is available at the State and local level to achieve effective and efficient implementation of the State's solid waste management strategies.

C. Waste to Energy Program

Objective: To increase the amount of energy recovered from solid waste.

This will be accomplished by focusing headquarters level technical and financial assistance on States and cities that are judged to have high implementation potential. The target cities, which will be determined by Headquarters, in conjunction with each Regional Office and the States, will provide the basis for Regional Office and State Agency participation in this objective. It is expected that six to nine locations will receive this technical assistance annually.

The Headquarters role will be to provide information and guidance on selecting a technology, marketing products, procuring a system, financing a project, selecting and instructing consultants, preparing requests for

proposals, evaluating proposals, negotiating contracts, and on similar topics. This effort will include assistance in public education campaigns, including briefings to city councils, etc.

D. Source Separation

During FY 77, a source separation prototype will be implemented, under OSWMP guidance, in the major Federal office building in each Region to demonstrate the implementation of the Source Separation Guidelines. Each Regional Office should provide technical assistance to the Regional Office of GSA to establish such a prototype source separation program, as agreed upon between each Regional Office and Headquarters.

E. Guidelines Compliance

Objective: To foster Executive Agency compliance with Federal solid waste management guidelines (Section 209, Solid Waste Disposal Act, as amended), in accordance with applicable Federal legislation, Executive Orders, and other regulations.

The activities associate with this first year of the agency's program for ensuring the implementation of the Land Disposal Guidelines by Executive agencies will be determining the compliance status of surveyed land disposal sites by reviewing all survey data provided by OSWMP*. There will be some sites for which compliance status cannot be determined from the survey data. As a minimum, these sites should receive a notice and request for further information. Site visits should be made, as resources permit, to the indeterminate sites.

* OSWMP plans a survey of selected Executive agencies during late FY 76. The data obtained from this effort will be transmitted to the Regional offices.

Each site determined to be in non-compliance should be contacted by letter listing the areas of violation, and requesting that the Agency advise the Regional office of its plans to achieve compliance. Sites in compliance should also be informed of EPA's determination.

Although these are the only activities which need to be reported on in the annual report for FY 77, the Regions are urged to begin negotiating compliance plans and schedules with Priority I** sites as outlined in the EPA document entitled, "Solid Waste Management Guidelines Compliance Program, Part I, Land Disposal Guidelines."***

** Sites having violations of one or more of the following required provisions: air quality, water quality, or cover.

*** The Office of Air and Waste Management and Office of Federal Activities will issue this document by the end of February 1976.

III. State Activities

A. Federal Funding

Funding support is an important tool to motivate States to implement their role as defined in the Solid Waste Management Strategy. Funds allocated to the Regional Offices for State support should be utilized to foster development of State solid waste management programs, along the lines of the suggested grant outputs (summarized in order of priority in Part III.B. of the guidance) and application of appropriate resources.

In determining with the States their grant outputs commitments, the Regional Offices should assess each State's current solid waste management manpower and training problems which could significantly impact their program in FY 77. To help correct some of these problems the States should utilize Federal block grant manpower and education programs, such as the Comprehensive Employment and Training Act, the Vocational Education Act, and the Emergency Unemployment Assistance Act, as sources of funding for the training and employment of technical and subprofessional personnel in both State and local solid waste management programs.

B. FY 1977 Suggested Grant Outputs*

(1) Disposal Site Control

Development of State programs for control of all land disposal sites where any type of waste (except radioactive) is disposed of,

* The Regional Offices assessment of State Progress in achieving their FY 1977 outputs will be one of the factors utilized to allocate funds for States FY 78 programs. (Funds to be allocated from the Agency's FY 77 appropriations). The funds for the FY 1977 grant program are to be allocated from EPA's FY 1976 appropriation.

including assessment of current land disposal practices, evaluation of permit and compliance systems, assessment of State's hydrogeologic suitability for land disposal and determining the feasibility of establishing substate and interstate solid waste management regions.

SOLID WASTE MANAGEMENT PROGRAMS
REGIONAL OBJECTIVES AND OUTPUTS
FY 1977

Objective I

To develop State solid waste management programs capable of implementing their role as defined in the Solid Waste Management Strategy.

1. OUTPUT TITLE: Assessment of State progress in establishing programs to control land disposal sites, to manage hazardous wastes and to stimulate resource recovery.

OUTPUT UNIT: Number of States assessed.

An annual report of this assessment by State should be submitted to Headquarters by the end of FY 77.

Objective II

To foster Executive Agency compliance with Federal solid waste management guidelines (Section 209, Solid Waste Disposal Act, as amended), in accordance with applicable Federal legislation, Executive Orders, and other regulations.

2. OUTPUT TITLE: Determine Federal agency compliance with land disposal guidelines.

OUTPUT UNITS: None.

An annual report on the status of Federal agency compliance with the Land Disposal Guidelines should be submitted to Headquarters by the end of FY 77.

RADIATION REGIONAL GUIDANCE

FY 1977

*The Regions' major role in 1977
- a critical one - will be review
of EISs for nuclear facilities.*

RADIATION REGIONAL GUIDANCE

A. Overview of Program

The overall goal of the Environmental Protection Agency in the radiation area is to protect public health and the environment by assuring that no avoidable risks occur to individuals, the population at large, or the environment due to radiation exposure without the existence of sufficient offsetting benefits, and within this framework, to minimize risk in a cost-effective manner. Pursuant to the authorities granted to EPA, efforts toward achieving this goal are directed to (1) nuclear energy applications, (2) naturally-occurring radioactivity, (3) healing arts and industrial applications of radiation, and (4) non-ionizing radiation.

Functionally, the Radiation Program consists of three elements: (1) environmental quality information must be acquired and analyzed so that the current status of the environment can be determined, (2) technologies using radiation must be assessed to determine if they do or may adversely impact on human health and the environment and if it is feasible to reduce this impact, and (3) specific standards and controls are established based on the information and analyses obtained through the first two elements. Thus, the Radiation Program is oriented toward environmental quality assessment, technology assessment, and criteria and standards.

The Radiation Program Strategy supports a strong, centralized headquarters capability for the management of standards setting, review of

non-conventional EIS's, technology assessment, and environmental monitoring programs. Regionalization of conventional nuclear power plant EIS reviews, which was initiated in FY 76 and should be fully operational in FY 77, provides a means for the Regional Offices to be involved on a frequent basis with national programs that have an environmental impact at the State and local levels. Technical and program consultation and assistance to States is important in working toward the goal of greater State self-sufficiency in the environmental radiation protection area. This is particularly true in developing State capability to assure responsibilities in implementing the provisions on the Safe Drinking Water Act. Regional Offices must coordinate with the Office of General Counsel and the Office of Radiation Program prior to taking any official action on any radiation issue which does or could involve the regulatory responsibilities of another Federal agency or their relationships with State and local agencies.

Other activities in FY 77 will include assisting States in the development and testing of radiological emergency response plans, primarily through Regional Steering Committees and the Federal Cadre operation; performing environmental reviews of radiological aspects of selected Federal activities and participation in EPA inspection pursuant to E.O. 11752; activities related to implementation of EPA radiation standards and guidance, such as generally applicable environmental standards for the uranium fuel cycle and Federal Radiation Guidance in the healing arts use of radiation and in occupational exposures to radiation; and supporting the Regional NPDES program for those activities

involving radioactivity. (The Colorado court decision requiring EPA to issue permits for radioactivity discharges from licensed nuclear facilities is currently awaiting decision by the U.S. Supreme Court.)

Finally, Region-specific radiation programs will be developed through consultation between Headquarters and each Regional Office. These programs should be direct toward radiation problems unique to a Region and, although of some interest to ORP, may not necessarily be considered a part of or impact on the national Radiation Program.

B. Regional Radiation Program Priorities

The following are Regional Radiation Program activities listed in order of priority as viewed from the standpoint of support to the National Radiation Program:

1. Conduct the technical review and review management of conventional nuclear power plant EIS's (or other assigned technical reviews.)
2. Implement the radiological portion of the EPA Drinking Water Standards in support of the Water Supply Program. Assist States in development of their capability to assume responsibility for implementing the Drinking Water Standards.
3. Perform environmental reviews of radiological aspects of selected Federal activities pursuant to E.O. 11752.
4. State and Other Technical Assistance:
 - a. Provide technical and program consultation and assistance to States where required.
 - b. Respond to public and Congressional inquiries.
 - c. Stimulate productive functioning of Regional Training Committees to meet State training needs.

- d. Facilitate and coordinate ORP activities with States.
 - e. Participate in EIS reviews of non-conventional nuclear activities to extent delegated and/or capable.
5. Obtain, compile, and report technical information on selected nuclear and radiation facilities, including facilities with potential for naturally-occurring radioactivity problems.
6. Assist States in the development, testing, evaluation, modification, and maintenance of State radiological emergency response plans, and, as warranted, promote the development of interstate, intraregional, and interregional emergency response coordination. Such assistance to States will be primarily through Regional participation on the Regional Steering Committees and in the Federal Cadre operation. Particular emphasis should be placed on working with States to assure integration of EPA Protective Action Guidance into the State plans. In addition, the Regional Office should provide Regional Radiological emergency response coordination should such an emergency occur within the Region.
7. Activities related to implementation of future EPA radiation standards and guidance, such as generally applicable environmental standards for the uranium fuel cycle and Federal Radiation Guidance in the healing arts use of radiation and in occupational exposures to radiation.
8. Along with these functions, other projects will be developed cooperatively between Headquarters and the Region which relate to current and specific radiation problems within the Region.

The high priority output for radiation is:

OUTPUT TITLE: Reviews of radiation aspects of EIS for conventional nuclear facilities.

OUTPUT UNIT: Number of technical radiation EIS reviews completed for conventional nuclear facilities.

ACTIVITY INDICATORS: None.

A commitment to the review of radiation aspects of EIS for nuclear facilities is required. For commitment and reporting purposes, the draft and final EIS for a facility are to be counted as separate review actions.

NOISE REGIONAL GUIDANCE

FY 1977

Our priority efforts are to provide technical assistance to state and local governments to develop and carry out noise control laws and ordinances.

FY-77 REGIONAL NOISE GUIDANCE

GENERAL PROGRAM GOALS

As specified in the FY-76 regional noise guidance, urban and residential environmental noise levels are exceeding the levels identified by EPA to protect the public health and welfare.* To achieve reduction in the size of the population impacted by these levels, the Environmental Protection Agency has identified goals whose attainment is partially dependent on State and local action.

EPA goals are:

1. Reduce, by 1992, urban noise levels above 70 $L_{eq}(24)$ so that less than one million of the estimated 13 million persons residing in such areas remain exposed to such high community levels.
2. Reduce urban noise levels above 55 L_{dn} so that, by 1992, less than 40 million of the estimated 100 million persons presently residing in such areas remain exposed.

GENERAL STRATEGY

These goals can be partially achieved by Federal action through regulations which assure the utilization of presently available technology or that anticipated from on-going studies to quiet future models of products identified as major sources of noise. Similarly, such technology can be applied to certain equipment already in use by interstate truck and rail carriers. The complete attainment of these goals is dependent on State and local regulatory and enforcement actions which complement Federal Regulatory Activity by controlling in-use problems from such products.

*Refer to EPA Document, "Information on Levels of Environmental Noise Requisite to Protect Health and Welfare with an Adequate Margin of Safety" - March 1974. for recommended noise levels.

The scope of Regional activity will become broader, beginning in FY77, as more Federal new product regulations are promulgated, some become effective, and State and local noise programs become more numerous and complex. Since there will be no increase in Regional noise program personnel, in FY1977, it is recommended that the emphasis of Regional noise programs be shifted. Rather than directing extensive Regional effort to developing and attacking a new set of target states and communities for development of legislation and ordinances, Regional efforts should primarily be directed toward completing and refining the actions on targets designated in FY1976.

Existing State and local noise control programs should be assisted, where needed, to develop more vigorous, competent, and comprehensive programs.

The objective of these efforts is to stress the development of programs which, by their example, will encourage the development of additional state and local programs. The combination of these examples, and various "models" and guidelines developed by ONAC, may reduce the amount of direct assistance required of the Regional Noise Programs in the future in our effort to increase the population covered by adequate noise control programs. We will endeavor to work in depth in a few cases where we have the best chance of success, and avoid the risk of spreading the available resources so thin that their effectiveness is reduced.

Efforts will also be made, beginning in FY77, to collect and interpret national baseline data on noise levels and attitudes toward noise. The objective of the effort is to make possible the future identification of trends, progress in attaining the goals, and quantification of the results of Federal, State and local regulations on the attainment of the goals.

SIGNIFICANT EVENTS INFLUENCING FY 1977 REGIONAL PROGRAMS

1. Enforcement of interstate motor carrier regulations. This regulation became effective October 15, 1975. While DOT has the major enforcement responsibility, regional offices will continue to be expected to provide information on the regulations and to assist those States and cities requesting aid with adoption and enforcement of complementary regulations allowed by the Federal Noise Control Act of 1972.

2. Final EPA regulations for interstate rail carriers and new portable air compressors are expected to be promulgated in the second quarter of FY 1976. Final regulations for medium and heavy-duty trucks are expected to be promulgated in the third quarter of FY 1976. These regulations will not become effective until a year or more after promulgation. DOT is responsible for enforcing the interstate rail carrier regulation. The initial enforcement phases of the air compressor regulation will involve a headquarters program with the manufacturers. While the regions will not be concerned directly with enforcement of these regulations in FY 1977, they will be called upon to provide information to the public, other affected parties, and State and local agencies interested in adopting compatible in-use laws or regulations.

3. Regulations will be promulgated, late in FY 1977, on products identified as major sources of noise in the second identification list, although the regulations will not become effective until a future fiscal year. These products are buses; motorcycles; truck mounted refrigeration units and solid waste compactors; and loaders and dozers. These actions will require public

information activities and efforts to encourage adoption of compatible local regulation.

4. The model community noise control ordinance was published in the second quarter of FY 1976. The community noise ordinance workbook and the first part of the noise measurement manual for ordinance enforcement are expected in the third quarter of FY 1976. The model building code will be published in FY 1977. These documents will enable the regions to continue their technical assistance efforts to States and cities in the development and implementation of noise control programs without substantially increasing the workload of Regional noise personnel.

5. A new survey of non-occupational State and local noise control programs will be undertaken in the fourth quarter of FY 1976. The results will help prioritize technical assistance projections for State and local governments.

FY 1977 PLAN WITH REGIONAL ROLES

In FY 1977, noise program resources will be one permanent noise person-year of effort per Region, plus sufficient funding to support at least one additional temporary person-year of effort. In addition, technical assistance available to each Region (Level of Effort Contract maintained by ONAC) will provide the equivalent of 1/2 year of support. By FY 1977, all Regions will have adequate noise measuring equipment and a mobile van to conduct surveys ranging from simple exercises to sophisticated monitoring. Technical "tools", other than the Model

Ordinance and Workbook, available to the Regions will include:

- guidelines for assistance to State and locals
- noise measurement protocol
- guidelines to conduct noise assessments of airports, highways, and stationary sources
- Federal facility noise assessment manual
- briefing packages for promulgated noise regulations
- various information material for public information and education purposes
- guidelines for developing training programs for noise survey technicians.

In addition to work required under the objectives which follow, the Regions will continue to provide noise reviews of EISs on a regular basis (Regions average 10-15 per month); technical assistance to Regional Federal Facilities activities including the review of noise reports submitted by other Federal agencies as part of the E.O. 11752 requirements; and public information on noise, including the status of EPA regulations. Recognition of this "housekeeping" workload will be made in the negotiation of additional commitments.

Regions are expected to assess and provide assistance to other Federal agencies' noise programs, as they are implemented at the Regional level. However, this effort should be held to a minimum in FY 1977, in view of other tasks. Where pertinent information on the application of other Federal agencies noise-related policies, practices, and regulations comes to the attention of the Regional offices, it should be provided to ONAC to assist in EPA coordination of all Federal noise programs.

REGIONAL PROGRAM OBJECTIVES

Objective I. To increase the population served by adequate State and local noise control programs.

Discussion. Ensure that existing State and local noise programs are complementary to and compatible with the Federal program; assist in consolidating the legal base and completing technical skills available to such agencies.

While it is recognized that a wide variety of base workloads exists among the ten Regional noise programs, the Regions are expected to utilize their remaining resources, technical tools, and special reports to ensure that existing State and local noise programs are fully developed. It is intended that these programs, when complete, will be Models which will provide stimulus and examples to encourage and aid in the adoption of similar programs by other State and local governments. Emphasis should be placed on the availability of adequate technical skills in these programs and on the completion of appropriate legal authorities and supporting regulations for such things as land use restrictions, licensing, permits, building codes, etc., to affect noise reduction in selected locations or during sensitive time periods. Similarly, the modification of existing legislation or ordinances which incorporate compatible in-use regulations of products covered by EPA regulations should be stressed. Lower priority should be given to new assistance efforts to States or communities not yet having active programs or an adequate base unless there is substantial probability of success and such success will impact major problems or populations.

In view of this objective the one "output" assigned to the Regional Noise programs for FY 77 will emphasize the continuing development of noise control legislation at the State and local level. This output will require that 'Action Plans' setting out Regional activities related to the enactment of legislation by pre-selected State and local governments be developed. These should be completed by the end of the first quarter of FY 1977.

OUTPUT TITLE: Attain the enactment of legislation by pre-selected State and local governments.

OUTPUT UNIT: Number of Action Plans for "Target" State and local governments to be developed.

REPORTING FREQUENCY:

OUTPUT UNIT: Annually - at the end of the first quarter FY 77

START LEVEL: Not required

The State and local governments for which action plans will be developed will be selected in negotiation between the ONAC and the Regional Office. These will include existing 'targets' requiring continuing action as well as some new targets, where agreed to. In addition to the information derived through the Formal Planning and Reporting System (FPRS) it is expected that the Regional noise program will provide ONAC with continuing information on the number of State and local governments enacting noise control legislation and an assessment, at the end of the fiscal year, as to the impact of actions taken under the "Action Plans".

In addition, in carrying out work on Objective II, the Regional Office should, where possible, carry out the projects in areas being given priority attention under objective I, as a method of providing further information and guidance to the highest priority State and local agencies.

Objective II. The development of a national baseline of environmental noise levels and attitudes.

Discussion. The Regions will assist ONAC in the field testing of an integrated noise assessment protocol during the early part of FY-77. In addition to testing the adequacy of this methodology, collected data will be useful in developing a national baseline to be used as a comparison in assessing future trends and the effectiveness of existing noise control regulations and programs.

Although there are no special data collection tasks which can be identified in this guidance, Regions should be alert to the possibility that ONAC will require assistance in collecting environmental data for the better understanding of the noise contribution of specific products and in describing noise profiles in and around selected land use areas (similar to the FY 1975 survey of railroad operations and the FY 1976 construction-site measurements). Where such special tasks are assigned, resources to hire temporary assistance will be provided if necessary.

OFFICE OF FEDERAL ACTIVITIES

FY 1977 REGIONAL GUIDANCE

It is important to keep up a high level of effort on Federal Facilities and on reviewing EISs.

OFFICE OF FEDERAL ACTIVITIES

A. Major Program Priorities

1. Environmental Impact Statement/Negative Declaration Preparation

EPA's compliance with NEPA, as specified in Section 511 of FWPCA, requires the preparation of EIS's and Negative Declarations on wastewater treatment plant construction grants and on new source discharge permits. The Administrator's policy statement regarding the Marine Protection, Research, and Sanctuaries Act requires that the NEPA process be applied to the study and selection of ocean disposal sites. Other EIS's are prepared by headquarters for certain regulations developed by EPA, in accordance with the Administrator's policy decision of May 7, 1974.

2. EIS Review

Under Section 309 of the Clean Air Act, EPA reviews all draft and final EIS's prepared by the other Federal agencies on major Federal actions. Reviewing EIS's is one of the significant activities that should be part of any prevention strategy. Continued emphasis is placed on timely reviews, extensive pre-impact statement liaison and post-statement followup, and coordination through the review process of applicable EPA regulatory authorities. OFA urges the Regional Administrators to consider establishing interdisciplinary EIS/309 Review staffs capable of handling all but the most technical issues encountered during EIS review.

3. Federal Facilities Compliance Assurance

The entire Federal Facilities Compliance Assurance Program assumes full cooperation between EPA and other Federal agencies in

✓ facility reporting and compliance determination, including timely notification by EPA to other Federal agencies of their compliance status. The "Guidelines for Federal Agencies' Compliance with Stationary Sources Air Pollution Standards," issued by EPA on May 6, 1975, not only imposed a substantial workload upon other Federal Agencies, but clearly committed the Agency to the timely review and determination of compliance of those facilities (including minor sources) for which a proper report is filed.

4. Environmental Education, Training, and Employment - Interagency Planning and Coordination

EPA's role is primarily that of a coordinator, attempting to encourage the establishment of formal agreements between State/local education and training agencies and State/local pollution control agencies. Such agreements would provide for the education, training, and employment of qualified personnel to staff State control programs as well as municipal and industrial programs and facilities. Emphasis will be placed on formal agreements involving State Vocational Educational systems and State/local agencies funded by the Comprehensive Employment and Training Act (CETA).

5. Federal Agreements Program

This Program concerns the responsibilities assigned to the Administrator of EPA (by § 306 of CAA, § 508 of FWPCA, and Executive Order 11738) to induce the operators of all facilities which are the prospective recipients of Federal contracts, grants, and loans to comply with applicable air and water pollution standards and regulations. Operators convicted of violating such standards or

regulations become ineligible to receive a Federal grant, loan or contract for a stipulated time period. Efficient execution of the program responsibilities requires that the Regional Offices notify OFA in a timely manner of these convictions so that a fair and proper Listing Procedure can take place.

B. Program Objectives, Outputs and Activity Indicators*

1. EIS Review

Objective:

Thorough review of other Federal agencies' proposed actions impacting the environment.

Output Units:

- A. Percent of draft EIS's reviewed for which there has been pre-draft liaison between EPA and the agency (60%).
- B. Percent of EIS's reviewed on time (100%).

Activity Indicator:

- 1. Number of draft EIS's reviewed.
- 2. Number of final EIS's reviewed on projects which had been rated ER, EU, or 3 at the draft stage.
- 3. Number of draft EIS's rated ER, EU, or 3 that had pre-final EIS consultation.

Reporting Frequency:

Semiannually.

Start Level:

No.

Notes:

EPA's policies and procedures governing the activities covered by this objective and output are contained in the EPA

*Program objectives, outputs, and activity indicators for (1) Construction Grants and New Source EIS Preparation, as well as Federal Facilities NPDES are included in the Water Programs section and (2) Federal Facilities SIP are included in the Air Programs section.

Manual entitled "Review of Federal Actions Impacting the Environment" (referred to as the "309 Review Manual"). "Pre-draft EIS activities are delineated in Chapter 2, Paragraph 2 of the 309 Review Manual. Pre-final EIS consultation activities are explained in Chapter 3. An important part of EIS review involves meeting the deadlines established in the CEQ Guidelines of 45 days for draft EIS's or 30 days for final EIS's (as modified by any 15 day time extensions granted by originating agencies), hence the output unit b.

Because of the limited control EPA has in effecting environmentally favorable changes in projects, the objectives have been tailored to the requirements that EPA review each final EIS where the draft EIS had been rated ER, EU, or 3 and that the Agency maximize the number of pre-final EIS consultations for those draft EIS's. Of course, the objective of such consultations continues to be the elimination of environmentally damaging aspects of proposed Federal agency actions.

2. Manpower Development and Training

Objective:

Development of formal agreements with CETA and Vocational Educational Agencies to subsidize and sponsor State and local training programs for environmental personnel.

Output Units:

None.

Activity Indicator:

1. Ratio (times 100% to yield percent) of: all the State environmental training needs (in number of trainees in key occupations actually being funded under CETA and/or vocational

education programs to the training needs in key occupations that the State had planned or proposed to fund under CETA and/or vocational education programs.

Reporting Frequency:

Semiannually.

Start Level:

None.

Notes:

Key environmental occupations limited to auto mechanic inspection maintenance, wastewater treatment plant operations/maintenance, pesticides application. This ratio may exceed 100% if CETA and/or vocational education programs are used to fund more of the State needs than originally planned.