Response to Comments Summary on FY 2009 Draft NPM Guidance

Office of Water

Comment	Commenter(s)	Response	Change to Draft (Y/N/ NA)	Modification
General OW Comments				
We want to see more coordination between the Clean Air and Clean Water programs nationally at EPA to put initiatives and/or rules into place that are geared toward addressing multi-media issues such as eliminating fish consumption advisories due to mercury contamination and stemming acid and nutrient deposition from out-of-state sources.	**New England State Commissioners**	The EPA's Office of Air and Radiation (OAR) and the Office Water (OW) are collaborating on two national-scale monitoring efforts that will provide critical information across multiple environmental media. 1) As part of EPA's National Lakes Survey, monitoring will include various surface water parameters in addition to sampling lake sediment for concentrations of mercury. The monitoring effort shall serve multiple purposes for EPA as well as other agencies and states. The resulting data shall provide critical, nationally-distributed information about lake characteristics (e.g., pH, organic carbon, sulfate) that relate to mercury methylation and bioaccumulation potential. In addition, the data will allow for 'ground-truthing' deposition measurements and models for ecosystem sensitivity to mercury methylation. The sediment data can be used in conjunction with other measurement data (i.e., fish tissue mercury, and total and methyl mercury concentrations in surface water collected by the National Lakes Survey) to further our understanding of the	n/a	

		ecological and distributional relations of mercury and methylmercury in the nations lakes. 2) OAR and OW are also collaborating on the National Rivers and Streams Assessment. Both OW and OAR share a common interest in gathering information on the distribution of mercury concentrations in fish species in these waters. This effort will also provide useful information to complement other monitoring efforts occurring across states.		
State Grant Template Measures: It is not clear how the State Grant Measures Appendix will be implemented versus the NPM Guidance Measures. Any measures states are required to track must be easily derived from existing datasets. We do not have the time or staff to develop complex reports or data queries that do nothing more than complete cells on a notional spreadsheet. Again miles and acres of waters in different categories should be the focus.	**Pennsylvania**	An EPA-State workgroup is currently evaluating the inclusion of state grant measures in standardized grant workplans. The current set of state grant measures were selected based on state data availability in existing program database.	n/a	
Tribes like the Navajo Nation with primacy-delegated programs or which are treated as a state (TAS delegation), need to have a target funding level for environmental programs under the Clean Water Act and Safe Drinking Water Act. Also, they should receive base grants to implement wetlands, environmental information exchange, source water protection and drinking water security programs. As the trustee of the Indian tribes, U.S. EPA needs to work more closely with the tribes to protect the environment and fund the environmental programs appropriately.	**Navajo Nation**	The FY 2009 National Water Program Guidance assumes full funding at the level proposed in the FY 2009 President's budget.	n/a	
We would like the *Guidance* to: • **Have greater consistency in recognizing the role of Tribes in protecting human health and**	**National Tribal Water Council**	The Office of Water commits to work more closely with EPA Tribal Coordinators to ensure that tribes are	Yes, changes made	For Measure SP-45, the word "tribal"

the environment; particularly in their homelands and cultural areas. *For example, the Guidance states that EPA Regions will "work with States and Tribes to develop FY 2009 Performance Partnership Agreements or other grant workplans." It is unclear what the term "work with" means. Is this a unilateral process that only allows for comments on decisions made by EPA, or is this a bilateral negotiation process that allows each Tribe to have a significant role in determining how it will meet EPA's needs while also meeting its own environmental, human health and cultural priorities?* • **Ensure that meaningful consultation is taking place with Tribes in regard to identifying and addressing those large aquatic ecosystems that EPA chooses to focus on.** o *For example, even though the South Florida Ecosystem has been identified as a priority Large Aquatic Ecosystem and the Guidance acknowledges that it "is home to two Native American nations" no effort appears to have been made to ensure that meaningful consultation has taken place with those Tribes, or that the Tribes are expected to play any role in protecting and restoring the ecosystem that has been their home since time immemorial.* o *In terms of identifying large aquatic ecosystems, a brief survey of National Tribal Water Council members resulted in the following suggestions:* o *The Bering Sea needs to be protected as prospective new shipping routes, oil*		consulted and engaged in the review, improvement, and development of performance measures for FY 2010 and the next Strategic Plan. The EPA South Florida Office will meet with and encourage the Steering Committees of the Water Quality Protection Program for the Florida Keys National Marine Sanctuary and for the Southeast Florida Coral Reef Initiative to invite the tribes to actively/formally participate in the water quality and coral reef evaluation and protection programs managed by those committees. EPA has eight national environmental justice (EJ) priorities, including Fish and Shellfish Safe to Eat, and Water Safe to Drink. The Office of Water is in the process of developing its action plan for addressing these EJ priorities for FY 2009. OW will seek opportunities to incorporate the Tribal environmental justice concerns which pertain to these priorities. In addition, the Office of Enforcement and Compliance Assurance (OECA) has Indian Country as one of its national enforcement and compliance assurance priorities. Beginning in FY 2005 and continuing through FY 2010, OECA and EPA regional offices are focusing national		has been added to the measure text. Throughout the document, edits have been made to better explicitly note collaboration with tribes.

exploration, and mining activities, coupled with continued climate change impacts, put both human health and the environment at risk. o *There is a critical need to protect Desert Wetlands in the southwest. These isolated and vulnerable wetlands are important for livestock, traditional herb gathering and other cultural purposes as well as sustaining human life and health.* • **Incorporate current Tribal concerns into the list of Environmental Justice Priorities when Tribal communities are burdened with disproportionately high and adverse human health effects on their citizens and their Treaty, cultural or subsistence resources.** *For example, mining and extract activity impact or pose a threat to Tribal health, Tribal homelands, Tribal water, and Tribal resources throughout the Nation.*		attention on three areas in Indian country: (1) addressing significant non-compliance in public drinking water systems; (2) emphasizing compliance assistance and inspections at Bureau of Indian Affairs (BIA) schools, and responding to noncompliance at non-BIA schools; and (3) investigating illegal dumps.		
Proposed New Sub-Objectives: o **Subobjective 4.2.1 Maintain and Preserve water quality of pristine springs and other water sources (new)** - 4.2.1. ____ Number of sites on Tribal lands monitored to maintain and preserve water quality of pristine springs or other water sources. (new) - 4.2.1.____ Number of sites on State lands monitored to maintain and preserve water quality of pristine springs or other water sources. (new) o **Subobjective 4.3.10 Preserve, Protect and Restore Desert Wetlands *(new)*** - 4.3.10 SP-__ Protect, enhance or restore acres of wetland/riparian habitats with a national target of 80%. Educate water users	**National Tribal Water Council**	EPA actively works with tribes on wetlands monitoring and assessment through the National Wetland Monitoring and Assessment Work Group. EPA is interested in working with the National Tribal Water Council to develop wetland tribal measures for consideration for FY 2010 or FY 2011.	n/a	

and the general public about the importance of both riparian and wetland areas in the arid southwest. o **Subobjective 4.3.11 Preserve and Protect the Bering Sea *(new)*** - 4.3.11 SP-__ Preserve and protect the waters of the Bering Sea from potential degradation by new shipping routes, oil exploration, and mining activities in addition to continued climate change impacts which are putting both human health and the environment at risk.				
Sub-Objective: 2.1.1: Water Safe to Drink				
Page 9 of the Guidance describes sanitary surveys for PWSS and the fact that sanitary surveys need to be done every 3 years for SW systems, and that starting in late 2009 they will need to be done for GW systems as well. The Guidance states that EPA will be "working with states to ensure that they are prepared to address the large number of GW systems that require sanitary surveys." However, EPA does not say specifically how they will do that. EPA should commit to facilitating and providing sanitary survey training to state staff.	**Pennsylvania**	EPA has provided and will continue to provide and facilitate sanitary survey training to state staff through the Drinking Water Academy. In addition, Montana State University, one of the EPA funded Technology Assistance Centers (TACs), has developed a CD-Rom on Sanitary Survey Fundamentals - a course designed to help attendees prepare for comprehensive training to become surveyors. EPA also has a Draft Sanitary Survey Guidance Manual for Ground Water Systems out for comment. The objective of the sanitary survey guidance manual is to provide states, tribes, and other primacy agencies with a brief review of the sanitary survey regulatory provisions, give specific examples of what constitutes a significant deficiency, and provide a checklist of elements that should be evaluated during the course of a sanitary survey inspection. EPA is also working	No changes made	

		with states to provide Ground Water Rule Training and answer pertinent implementation questions. EPA will host a series of national trainings across the country in the Spring and Summer, which will focus on rule requirements, implementation issues, and workshops to reinforce and practice the concepts learned.		
In general, for population-based targets, violations in one large city in a state will skew the percent population meeting the standards. States must have the flexibility to qualify the data when these situations arise.	**Pennsylvania**	SDWIS/STATE has the ability to have states create comments on the results they store in comment fields. SDWIS/FED does NOT have the capability to receive comment in comment fields from states. Creating comment fields in SDWIS/FED/ODS would be very difficult and costly. States can submit separate comments about their results by email if they desire to do so.	No changes made	
Region 8 believes that more national leadership, emphasis and resources should be directed toward working with federal land management agencies to improve management of federally owned source water areas. In much of the western U.S., federal land managers manage extensive lands that serve as watersheds for public water supplies. Absent participation of federal land managers in the Source Water Collaborative, we urge the Office of Water to explore other tools and means for more actively involving them in source water protection. One possible approach would be to reinvigorate activity under the existing Federal Multi-Agency Source Water Agreement developed as part of the Clean Water Action Plan, or alternatively, to develop a new agreement that reflects present circumstances. Although there is specific emphasis in the guidance on protecting surface water that is a source of	**Region 8**	EPA is working closely with the Forest Service in the United States Department of Agriculture to increase their participation, and possible membership with, the National Source Water Collaborative. The Forest Service has attended several meetings and is now working to become a member. In that way, the Forest Service will not only contribute their expertise to 16 national organizations, USGS and EPA, and to other parts of USDA already on the Collaborative, but be able to generate support for their current actions to protect source waters on forested lands. In addition, EPA is working with the Trust for Public Lands and the Smart Growth	No changes made	

drinking water, Region 8 believes that equal emphasis should be given to approaches focused on protecting ground water that is a source of drinking water. Although we may have more limited regulatory tools to protect ground water that is a drinking water source, we believe there is much that could be done using non-regulatory tools to enhance protection of ground water. For example, we recommend the guidance address the development of an enhanced partnership with the Ground Water Protection Council, particularly with regard to their newly initiated National Ground Water Protection Strategy Committee.		Leadership Conference to pick several states this year to pilot overall state-wide land use planning collaboration on a pilot basis. All states will be encouraged to apply for assistance under this project and hopefully western states will apply. If such a western state is chosen, these organizations will work with the state to implement overall water resource and source water protection on all federal and non-federal lands in that state.		
The national target for SP-1 should be lowered from 90%. There are still a number of key small systems-related regulations that will complicate our ability to ensure 90% of community water systems meeting all health-based standards. There is normally 2-3% difference between % of systems (SP-1) and % of population (2.1.1) meeting standards. In FY07 we achieved 89% of systems and 92% of the population. However, in FY09, HQs proposes 90% for both targets. Due to increasing pressures to implement new regulations and the unique hit on small systems, Region 1 recommends that the draft FY09 national target for SP-1 (% of systems) be dropped to 88% (the FY08 commitment).	**Region 1**	Target was decreased from last Strategic Plan from 95% to 90%. We need to continue to try to achieve this level. However, we recognize that recent performance history shows there are challenges here and more stringent DW requirements are making it difficult on states to achieve even the 90% level. As it turns out, the national target after receiving the region's targets is now at 88% - the level Region 1 is recommending. We understand the difficulties but OGWDW will challenge regions this summer to make commitments that achieve a 90% national commitment level.	Yes, changes made	Change in national target
The national target for SDW-1a should be lowered. HQs currently proposes that 95% of community systems undergo sanitary surveys consistent with new regulations. The FY07 and FY08 commitments were 94%. In FY07, this target was missed, with a result of 92%. New data management issues, uncertain timing, and limited state resources are challenges in meeting any aggressive target. Region	**Region 1**	As it turns out, the national target after receiving the region's targets is now at 93% - even lower than what Region 1 is recommending. FY 2007 performance level of 92% suggests that 93% target is achievable.	Yes, changes made	Change in national target

1 suggests that the 95% target be lowered to, at the most, 94%, matching FY08.				
Regarding the Underground Injection Control Program [pages 12-13 in the narrative document] as wells as Appendices A, B and D for Measures SDW-07a, b & c [page 3 of 10, page 2 of 5 and Slides 14 to 16 respectively]: Region 5 is concerned with how the Office of Ground Water and Drinking Water (OGWDW) intends to measure return to compliance for Measures SDW-07a, b & c. Many state agencies, especially Class II agencies, consider well shut-ins to meet the definition, however, OGWDW currently does not. Unless OGWDW amends its measurement to include well shut-ins, Region 5 would suggest that consideration be given to slightly modifying the SDW-07 measures by adding the words "or otherwise addressed" after "are returned to compliance", to allow inclusion of well shut-in actions.	**Region 5**	The OGWDW is working with all the Regions to ensure that all definitions for the Fiscal Year 2009 concepts in the measures are developed in a consensus manner. There are numerous meetings set up in the next month to resolve this issue and any other definitional issues.	No changes made	
On page 7, I believe that "Tribes" should be included to the list of "EPA,the States, and CWSs." Tribal controlled public water supplies play a significant role in providing drinking water to their local communities.	**Wichita and Affiliated Tribes (via Region 6)**	Change has been made in the FY 2009 National Water Program Guidance.	Yes, changes made	Page 4 includes tribes as suggested.
On page 7, EPA Region 6 should have a target goal of 100%. I know attaining 100% is unlikely if not impossible but it should be the goal and anything less should not be an acceptable number/percentage.	**Wichita and Affiliated Tribes (via Region 6)**	100% goal is not achievable. Current target for Region 6 of 89% for FY 2009	No changes made	
On page 8, "Water Security" is mentioned. This has not been a major topic of discussion in Region 6. More information about this should be provided to the Tribes by Region 6.	**Wichita and Affiliated Tribes (via Region 6)**	EPA HQ and Region 6 will work to provide more information by June.	No changes made	
On page 9, "2) Implementation of Drinking Water Standards and Technical Assistance" section it states that "In order to facilitate compliance with drinking water regulations, EPA will use the	**Wichita and Affiliated Tribes (via Region 6)**	Change has been made.	Yes, changes made	Page 5 mentions states and tribes.

following tools in partnership with States:" Where is the commitment to the Tribal partners. At the very minimum the word "Tribes" should be included with states. Tribes should receive their own subsection where their relationship with the EPA in this partnership is clearly defined and EPA's commitment to the Tribes is also stated.				
FY 2009 NPM Guidance Measures, National Target figures shown on the table seem to be the existing FY 2008 baseline figures. Where are the improvements? On the Navajo Nation, 30% or more of the residents haul water from unregulated water sources which are polluted with uranium, arsenic, bacteria and other contaminants. Some thing must be done in this respect, at least to meet the Johannesburg commitment.	**Navajo Nation**	The number of homes lacking access to safe drinking water and safe wastewater disposal fluctuates from year to year for a variety of reasons including but not limited to the construction of new homes, homes served by water and wastewater systems that fall out of compliance, new environmental regulations, population growth and climate change impacts upon infrastructures and households. The Access Subgroup of the Interagency Infrastructure Task Force has developed recommendations for an interagency implementation plan for removing barriers to access to safe drinking water and basic sanitation on tribal lands. The Subgroup believes that the actions described in this document will enable the federal agencies to use available funding more efficiently and in innovative ways, improve interagency coordination to increase effectiveness of existing resources, collect better data to describe the problem of providing access, and, most importantly, provide increased access to safe drinking water and wastewater disposal in Indian country.	n/a	
U.S. EPA has not conducted any inventory and assessment of Motor Vehicle Waste Disposal Wells	**Navajo Nation**	Region 9 directly implements the UIC program for Class V wells on Navajo	n/a	

on the Navajo Nation. NRM FY 2009 target is that 75% of these wells are to be closed or permitted. What will be done on the tribal lands?		Nation lands and has been working with the Navajo Nation for many years to address those wells. Based on a national regulation to close all current motor vehicle waste disposal wells, EPA and Headquarters will continue our efforts to coordinate assistance to the Tribe.		
Sub-Objective: 2.1.2 Fish and Shellfish Safe to Eat				
SP-6 is not tracked in DEP and we're not sure PDH would have it either.	**Pennsylvania**	We can clarify that SP-6 is a national report that EPA HQ provides, and states are not expected to track this or provide data	n/a	.
Section II, Sub-objective 2: Safe Shellfish (page 15): In the document, the EPA discusses addressing and reducing the incidence of high blood mercury levels. However, the statistics under "Key National Strategies" refer to fish consumption advisories for a range of contaminants. It is recommended that these statistics be revised to discuss the incidence of fish consumption advisories with mercury, rather than to include all chemicals.	**Texas Council on Environmental Quality**	We clarify that most fish advisories are for mercury, which is why we focus on it.	n/a	
Section II, Sub-objective 2: Safe Shellfish (page 18): In the document, the EPA discusses clean water programs that will reduce pathogen levels in key waters. It is recommended that the example of "reduce storm water runoff" be replaced with a program objective to "reduce the level of contaminants or pollutants in storm water runoff"	**Texas Council on Environmental Quality**	The language in the Fish and Shellfish Safe to Eat Sub-Objective is referring to a program under the Improve Water Quality on a Watershed Basis Sub-Objective. Specifically, program measure WQ-13 measures the number of facilities that are covered under stormwater permits. These permits are designed to control stormwater runoff.	n/a	
2.1.2 FS-1a: The NTWC is concerned that Alaska is excluded from the requirement of percent of river miles where fish tissue will be assessed to support waterbody-specific or regional consumption advisories or a determination that no consumption advice is necessary. This concern arises because of mining and other developmental and tourist activities	**National Tribal Water Council**	Alaska rivers, lakes, and coast are not yet mapped (electronically) in a manner that allows EPA to develop comparable statistics with the lower 48.	No changes made	

taking place on Alaska rivers. 2.1.2.FS-1b: The NTWC is concerned that Alaska is excluded from the percent of lake acres where fish tissue will be assessed for the same reasons mentioned above.				
Adequate funding is needed to conduct fish tissue study for mercury on tribal water bodies. Fish in four lakes on the Navajo Nation was found to contain mercury.	**Navajo Nation**	Fish Advisory program no longer gives grants	n/a	
Are there other metals or pollutants that are also prevalent in fish tissue, which may be on regional levels?	**Navajo Nation**	Not a comment on the plan. Results of the National Fish Tissue Study haven't been released yet but we could answer by sharing the results of the Study for lakes in AZ and NM.	n/a	
Have adequate fish tissue studies be conducted on lakes and streams on tribal lands?	**Navajo Nation**	EPA relies on studies conducted others and with the exception of the National Lake Fish Tissue Study, tribes don't typically provide data.	n/a	
What is the role of Indian tribes in a "State comprehensive mercury reduction program"? To reduce air deposition of mercury will entail multi-jurisdictional coordination.	**Navajo Nation**	State comprehensive mercury reduction programs address sources within the state and states are to work in combination with neighbors to address multi-jurisdictional issues. While states have no jurisdiction on reservations, EPA encourages all regulatory partners to work together cooperatively to achieve greater environmental results.	n/a	
Sub-Objective: 2.1.3: Water Safe for Swimming				
Utilize Harmful Algae Blooms (HABs) in beach monitoring and postings. The beach measures are focused on pathogens but toxins produced by algae can also impact human health in both fresh water and marine waterbodies.	**Oklahoma (via Region 6)**	Beach measures are focused on pathogens because they are tied to implementing the BEACH Act, which is specific to pathogens at coastal beaches. The issue of adding a new state reporting measure for toxins produced by algae should be raised in the context of developing the next strategic plan.	No changes made	

Pg 18 Item #3- The whole area of "Water Safe for Swimming" is in limbo right now. Pennsylvania is doing what it can in spite of the doctrinal void that exists at the national level. New criteria will not be proposed until 2012. The current short-term pathogen guidance being developed between ASIWPCA and EPA would allow states to retain current fecal coliform criteria until then. Pennsylvania Department of Health (PDH) adopted the Beach Act criteria and even expanded the coverage from coastal to all beaches in PA. We are incorporating their beach monitoring data as well as that obtained from State Parks into our statewide assessment and conducting some bacteriological assessment of our own based on Fecals. May we assume that pathogen TMDLs will eventually be used to accomplish the reductions listed at the top of pg 20?	**Pennsylvania**	The text on pg 20 speaks to NPDES sources: CSOs, SSOs, urban storm water, and CAFOs, and to septic tanks. Yes, the reductions can be identified through TMDLs but since the OW national guidance talks about point sources, the reductions can also be identified by NPDES permits, and, in any case are required by NPDES permits.	No changes made	
SP-8 is not tracked in DEP and we're not sure PDH would have it either.	**Pennsylvania**	SP-8 is a national report that EPA HQ provides, and states are not expected to track this or provide data.	No changes made	
SP-9 & SS-22 (Beach measures) will require coordination with PDH to report. We should be able to do that but can't guarantee it.	**Pennsylvania**	SP-9 and SS-2 are reported by PDH as a grant requirement in their BEACH Act grant.	No changes made	
Address more fully the environmental and health impacts on Tribes, Tribal communities, Tribal cultural and treaty resources, and Tribal cultural practices. *For example, under the Clean and Safe Water Goals for 2011 (p.1), the Water Safe for` Swimming category addresses swimming on beaches during the beach season, but no reference is made to the need to keep Tribal waters clean for cultural practices that require bathing in fresh water or the use of fresh water for sweat lodges – a matter of general water quality concern, and a matter that may specifically pertain to the adoption of Tribal*	**National Tribal Water Council**	The strategic target for swimming is based on implementing the BEACH Act of 2000, which applies to only coastal recreation waters. General water quality protection would be addressed by targets in the Restore and Protect Fresh Waters, Coastal Waters, and Wetlands objective o pg 21, and by TMDL actions discussed on page 19.	No changes made	

Water Quality Standards.				
Sub-Objective: 2.2.1: Improve Water Quality on a Watershed Basis				
Pg 70 Program Evaluation and Adaptive Management - We do not think we can truly achieve an honest program evaluation as long as the 106 Supplemental remains in effect. This program hold hostage a portion of the funding traditionally used for monitoring/assessment at the state level and directs it use toward some activities that produce results useful at only the federal level - not a true partnership concept. We remain concerned, as do the majority of other states, with the fact that we are being asked to meet increasing levels of program commitments with no proportional increase in Section 106 funding. In the end, something has to give.	**Pennsylvania**	• Beginning with FY2005, EPA and the President's Budget requested an increase in 106 funds for a Monitoring Initiative to address the independent critiques raised by the Government Accountability Office and others that (1) states lack sufficient water quality data to make sound management decisions and (2) EPA and states cannot make statistically-valid statements about the condition of the Nation's waters as required under CWA S. 305(b) o Congress appropriated these additional funds beginning in FY2005 as a specific set-aside in the S.106 grant. o These funds are being used to support fundamental enhancements to state water quality monitoring programs, as identified in state strategies for strengthening their monitoring programs, and to produce statistically-valid reports on the status and trends in the condition of the nation's waters.	No changes made	
Measure WQ-19a and WQ-19b • Region 1 has concerns with the proposed change to WQ-19a and WQ-19b to accelerate the time frame for giving final commitments for priority permits. The guidance proposes that the regions provide draft commitments in July, 2009 and final commitments in September, 2009. This is too soon to have the universe settled for	**Region 1, Texas Council on Environmental Quality**	• We understand there may be some difficulties associated with setting priority permit commitments while still issuing permits under the previous year's target. Headquarters will work with states and EPA regions beginning in FY08 to develop a set of procedures to consistently implement	No changes made	

FY08, particularly because between July and September 30, many permits will get issued. Leaving the lock-down date as January, 2010, will allow us to take stock on which permits got issued at the end of FY09 and will give EPA and the states time to reassess priorities and time frames for FY10. Moving the deadline to July, 2009 will be too soon to accurately predict permit priorities. • Measure WQ-19a "Number and national percent of high priority state NPDES permits that are issued as scheduled": EPA is proposing to change measure WQ-19a from "Number, and national percent, of high priority state NPDES permits that are issued as scheduled" to "Number, and national percent, of high priority state NPDES permits that are issued in the fiscal year". This change would shift the time period for identifying the priority list earlier in the process and shifting the commitment to a total number of permits issued versus a percentage of permits issued. States will need the ability to substitute specific permits that will be issued to meet their commitment when unforeseen issues arise with permits. Since the measure is being changed from capturing a percent of permits issued to a total number, we recommend that the new measure be modified to delete reference to a percentage and read as follows. Number of high priority state NPDES permits that are issued in the fiscal year.		the transition into the new commitment schedule for FY10 and address the concerns of the Region. • EPA is considering modifying the measure language to delete reference of national percent for the FY2010 National Water Program Guidance.		
In Appendix D, WQ-21 proposes that geo-referencing data be requested for reported segments. It is not clear if this change will require additional work by the states or regions. We would like a better understanding of what HQ's is specifically requesting of the regions by this new	**Region 1**	• EPA had decided not to develop a measurement development plan and a new measure for FY 2010. Instead, we will continue to work on the actions we committed to in the OIG report. We will work with our	Yes, text updated	Page 19

language. Please note that currently the NPDES database does not have accurate geo-referencing data. For nonpoint source projects, we understand that a new requirement will be included in GRTS for states to report coordinates of the water bodies if the locations of the BMPs are on impaired segments. Our understanding is that this field in GRTS for the geo-referencing data will pull from the state's ADB. For Attains/NTTS, there is currently no field for geo-referencing that the Region is aware of. Again, if the intent is for the information to be pulled from the state's ADB and no additional information is required by the state or EPA, Region 1 does not oppose this revised language in WQ-21.		stakeholders as we proceed in trying to make a better link between our permits and TMDL data systems. • For the waterbodies that Regions report have all restoration planning complete, a "measure definition" will specify how Regions report georeferencing. Generally speaking, If states enter data on waterbodies and impairment status into ADB or a compatible electronic system and provide georeferencing files for their data, EPA HQ can generate counts for this measure once Regions enter corresponding delisting data into ATTAINS. • If these data are not available, a Region would need to provide OW with a list that identifies those waterbodies from the 2002 baseline of impaired waters that the Region counted towards the measure. If the waterbody in the 2002 baseline has been "resegmented" in a subsequent reporting cycle and georeferencing data are not available, the Region will need to identify the waterbody that corresponds to the "parent" waterbody on the 2002 baseline list of impaired waters.		
Development of a new measure for TMDL/ watershed plan implementation: • Region 1 has concerns about developing a new measure to track TMDL implementation. We have limited authority in this area (e.g., no authority to approve TMDL implementation plans). The measure development plan should	**Region 1, 2, 8, Pennsylvania**	EPA had decided not to develop a measurement development plan and a new measure for FY 2010. Instead, we will continue to work on the actions we committed to in the OIG report. We will work with our stakeholders as we proceed in trying to make a better link between our	Yes, text updated	Page 19

include a process that involves all the regions. The measure development plan should also include an opportunity for states to comment as well. Proposing a new measure in 2010 seems too soon. As an alternative, EPA may want to consider any new measure in conjunction with the next strategic plan. In our meetings with the New England states on the watershed measures, the states have been clear that they need more staff and money to implement TMDL's, watershed plans, and the watershed measures. The states have said that to make progress on these measures, we need to invest more. Region 1 believes that if EPA wants to move forward with a new implementation measure, we should propose a plan along with the measure to help the states and regions make progress. The plan should include a needs assessment along with a plan that includes federal, state, and local resources and technical support. Working together on a plan will provide an incentive to make an implementation measure meaningful. It will also go a long way with our states. • Region 2 believes that the focus of the measure development plan for WQ-21 be to develop a measure of TMDL implementation. The Office of the Inspector General's report *Total Maximum Daily Load Program Needs Better Data and Measures to Demonstrate Environmental Results : O~IG Repop No. 2007-P-00036* recommended that documenting and reporting on implementation of TMDLs be improved. We believe the upcoming measure should be focused specifically on addressing this recommendation. Additionally, the pilot being conducted with Region 5 to support the		permits and TMDL data systems.		

measure development focuses on TMDL implementation, not the implementation of watershed restoration plans. R2 is aware of the great challenge potentially involved in developing a meaningful measure of TMDL implementation. When considering implementation of all "watershed plans" used as a basis of a delisting to category 4b, the challenge is much greater still. The great variety of actions, programs and funding sources that may support restoration (ranging from NPDES permits, to NPS BMPs, RCRA and Superfund remediations, a wide variety of local ordinances, and more), as well as the difficulty of linking these to specific results, may preclude an approach that seeks to integrate this information. We are concerned about the language in the draft NPG which states that the TMDL implementation measure is for waters in the "pipeline to full standards attainment" (like SP-10). R2 believes that an approach based on attainment should be for specific uses or WQS (like SP-11), since TMDLs are written for specific pollutants/impairments, and TMDLs are often done regionally for many waters reflecting a common impairment. Without this focus, much effort would not be reflected. Furthermore, Region 2 believes that the best measure of the effectiveness of the TMDL program is the environmental outcome. Therefore, we suggest a continued focus on outcomes, e.g. to track a measure similar to SP-11 (attainment of impaired use/WQS), for waters where TMDLs/4b are approved. This measure could include an improvement option where the environmental outcome is tracked in terms of				

improving trends in the levels of the targeted pollutant, similar to SP-12 (watershed improvement measure). Even with this simpler approach, tracking would be somewhat complicated because of several factors (e.g. TMDL waters do not always correspond to impaired waters). • Region 8 shares the concern voiced by other regions that measuring implementation milestones as proposed on p. 32 is a complex undertaking, and one which our existing data systems will not support sufficiently for the foreseeable future. It is particularly complex where TMDLs are being implemented for nonpoint sources dispersed across a water body or watershed. This makes the commitment to developing a measure by the release of the 2010 guidance premature. We suggest that a more reasonable goal would be to complete a measure development plan by 2010, though even this seems ambitious given the challenges associated with such a measure. We also suggest that a work group with OW, regional, and state representation from the TMDL, permit, and nonpoint source programs would be needed to work toward the development of a meaningful measure. • Pennsylvania notes that SP-10 will be difficult. That is why it is important to be able to report partial improvements.				
Region 1 is opposed to providing a regional target for WQ-15a, "Percent of major discharges in significant non compliance at any time during the fiscal year…." Setting a target for this measure at the regional level has many issues and may look like we are setting quotas for cases. We understand that there is a discussion ongoing at the national	**Region 1**	This measure will remain a national targeted measure for FY09.	No changes made	

level. Therefore, we have not provided a target at this time for WQ-15a.				
• **Display of Measures Along the Indicators Hierarchy** - As a general suggestion on the current set of measures and any additional options, it would be very effective to incorporate a graphic depicting the Environmental Indicators Hierarchy and how our current and proposed measures fit in the Hierarchy. This would be key in demonstrating essential linkage of program outputs, to ambient conditions of water quality, to the eventual attainment of uses and fishable, swimmable streams. • **Proposal 1: A preference for a shift in baseline measure reporting to spatial values (stream miles/acreage) as opposed to current waterbody counts:** This spatial scale option in the reporting of several of our core watershed metrics had widespread support. Here in Region III, as in several areas, there has been considerable debate on what is a 'waterbody' and many resegmenting of waters and new waterbody IDs assigned. This makes the tracking of 'counts' in a waterbody scale difficult. It was also pointed out in our discussions of the great national disparity in average lengths in state assessment unit sizes – from less than a mile to over 140 miles. This suggests that a waterbody count of '1' is not a comparable measure across the states and makes aggregation in large watershed areas, especially interstate basins, virtually impossible. For the benefit of clear and credible public reporting of our progress towards clean water, we recommend that spatial units of reporting be	**Region 3**	EPA will shortly commence development of the next Strategic Plan. The process will include opportunity for Regions to participate. The process will also include opportunity for states to review the draft Strategic Plan and provide comments. OW looks forward to working with interested EPA regions and states on these issues as part of developing the next strategic plan.	No changes made	

adopted at the earliest feasible date. • **Proposal 2. Water quality trend data as an incremental progress measure:** In our discussions on incremental progress options, the meeting participants did acknowledge the benefits of the 'partial' waterbody/pollutant restoration measure, SP-11. However, the definition in this measure still requires that the individual impairment be fully restored – WQS attained – in order to be counted. Our meeting participants were interested in a measure that can be used to report interim progress – upward trend data – even if the WQS is not yet attained. There remains some points to be resolved – what parameters, what reporting period, etc. – but a measure that parallels the existing SP-14 Tribal water quality improvement measure is how this option may be refined. A quick poll of each agency participating indicated that they all felt that one of more parameters from their core network of ambient water quality stations could be reported. • **Proposal 3: Use of a biologic condition gradient as an incremental progress measure:** Several Region III states have extensive biological assessment programs. Relative health of assessed areas by means of an index scoring of biologic conditions is emerging as a useful tool in displaying improvements in aquatic environments. Repeating assessments over a relatively short time period can show progress as scores move 'up' on a gradient heading towards a determination of 'good' conditions. Again, additional work is needed to refine this option				

but we see it as having great potential to report progress on the biologic health of assessed areas which can supplement or even replace the usual physical/chemical data metrics. • **Proposal 4: Use of a comprehensive suite of measures into a watershed-based composite index to track implementation progress and water quality improvements:** The current suite of measures are not considered sensitive enough to capture water quality progress – Region 3 recently held a meeting to brainstorm the development of measures that would be more sensitive in capturing incremental improvements in water quality and additional measures focused on capturing the "protection" element of our programs. The clear headliner of the water program measures reporting at present is full attainment of standards. This idea can be view as an enhancement of the current SP-12 watershed measure and also as a convergent idea with the ongoing work centered on TMDL implementation reporting being piloted by ORD and Region V in response to OIG report on the need for better data and measures in the TMDL program. In our discussions, a possible 'report card' concept was raised that would detail progress on many interim milestones towards WQS attainment at a watershed level, accompanied by data showing interim water quality improvements. Among the possible metrics included would be permits issued, BMPs implemented, load reductions achieved, and resources expended. A measure using the concepts put forth in this option has the added benefit of detailing the tremendous effort				

required to achieve a success in watershed restoration or WQS attainment.				
<u>Reinstatement of FY07 WQ-3, the bio-criteria PAM:</u> PAM WQ-3, tracking biocriteria implementation, was omitted between the last draft and final FY08 National Program Guidance without input from Regional offices. The PAM should be reinstated for FY09 to effectively re-establish biocriteria development and implementation as an EPA priority. Section 303(c)(2)(b) of the Clean Water Act requires that states, "...adopt water quality criteria based on biological monitoring and assessment methods", and more generally "...other bases than pollutant-by-pollutant criteria" per section 304(a)(8). The application of biological monitoring and assessment methods in standards attainment decisions has not been implemented in less progressive states. Virtually every authority that reviews EPA funded monitoring and assessment programs cites this as a fundamental weakness. The 2007 target for the measure, 34 out of 56 states/territories, clearly indicates we have unfinished business. Some State lists of impaired waters include only a small fraction of those actually exhibiting water quality impairment (EPA 841-B-06-002), because without bioassessments and biocriteria, many water quality problems simply remain undetected. This is due, in part, to the fact that many standards attainment decisions are made based solely on comparisons of concentrations of a very small number of chemicals detected in water column grab samples to numeric criteria; although, existing regulatory requirements (40 CFR 130.7) clearly	**Region 6**	The National Water Program made a significant effort to streamline performance measures for FY 2008. As part of an Agency coordinated process in late 2006 and with consultation with EPA regional offices, states and tribes, over 30 measures used in FY 2007 were deleted from the FY 2008 Guidance. The National Water Program has no plans to reestablish these measures for FY 2009. Consideration would be made for FY 2010 should there be support from a large majority of EPA regional offices.	No changes made	

require consideration of all applicable standards including designated use attainment and narrative criteria. The time required to develop biocriteria is often cited as a reason why EPA and States have not addressed this 20-year old requirement, although ORD scientists responsible for assessing the national survey data demonstrated that biological indices can be developed and calibrated within a few months time. FY07 PAM WQ-3: Number of States and Territories that have incorporated into their water quality programs for streams and small rivers, quantitative biological criteria that are used to help assess attainment of water quality standards.				
Add watershed protection measures for stream segments that are not yet impaired Several Region 6 states have advocated for adding a program activity measure that captures watershed protection efforts. Most of the PAMs under subobjective 2.2.1 target restoration activities, yet the subobjective is explicit about using pollution prevention in addition to restoration approaches to protect the quality of rivers, lakes, and streams on a watershed basis. Pollution prevention and protection efforts on streams that are not impaired can help prevent degradation in water quality. Rather than waiting until an impairment occurs to take action, watershed protection measures provide a more cost effective way to manage water quality. EPA needs to ensure water quality improvements are maintained so that restored stream segments don't eventually become impaired again. Adding a PAM	**Region 6**	EPA will shortly commence development of the next Strategic Plan. The process will include opportunity for regions to participate. The process will also include opportunity for states to review the draft Strategic Plan and provide comments. The Office of Water looks forward to working with interested EPA regions and states on these issues as part of developing the next strategic plan.	No changes made	

that supports watershed protection would allow states and Regions to take credit for their pollution prevention and protection efforts, and would give more balance to a subobjective that's dominated by restoration measures. *Suggested PAM language:* Number of watersheds which are targeted for implementation actions in an effort to prevent otherwise imminent NPS pollution impairments (cumulative). or Number of NPS impacted water bodies threatened by factors such as changing land use for which states and the EPA agree that water quality protection planning is complete and the water body is covered by a watershed plan.				
• Pg 30: Define Waterbody/ Watershed Standards Attainment Goals & Strategies - This has been somewhat problematic because PA reports miles and acres of waterbodies some other states report waterbodies. No consensus has ever been reached on what exactly what is a waterbody. At a recent meeting at Region 3 we made the case that the only fair and consistent way to report impairments and improvements is by tracking miles /acres. The other issue surrounding this question is that of how to account for partial improvements. In other words, how do you get "credit" for cleaning up some of the sources or causes of impairments on an impaired reach? If the only acceptable bean to count is waters restored to full	**Pennsylvania**	SP-13: The 2006 State/EPA collaborative report, Wadeable Streams Assessment, characterizes the condition of streams as “good, fair, poor.” The national survey of lakes, which is now underway, will also use the same terminology. SP-11 remains unchanged for FY 2009.	No changes made	

attainment of all uses, documented improvements will be few and far between. One remaining item here is the question of whether or not the PA DEP assessment records, maintained at 1:24,000 scale, are truly compatible with the EPA Assessment Database. Every year the EPA contractor has difficulty merging our data into the (somewhat dated) national database. Our position remains that PA is compatible. Region 3, please continue to work with the contractor to make that a more accurate statement. • SP-11 gets at the need to track partial improvements and is a good one. • SP-13 is confusing. Reporting is delayed until 2012 but the terminology "good, fair, poor" has been reserved for coastal waters to this point. We've not seen it used in an inland waters context before. • SP-10 will be difficult. That is why it is important to be able to report partial improvements.				
The New England States are opposed to EPA re-directing or earmarking §106 funds to support the NPDES fee rule and probabilistic monitoring initiatives.	**New England State Commissioners**	EPA understands the concerns expressed by the Commission, as well as by some other states, on the NPDES fee rule. Nevertheless, EPA believes the rule is a step in the right direction. The objective of the rule is to encourage more states to implement adequate NPDES fee programs, moving them toward greater sustainability in the way they manage and budget for water quality programs, and shifting part of the financial burden to those who benefit from NPDES permits. Beginning with FY2005, EPA and the President's Budget requested an increase in 106 funds for a Monitoring Initiative to	n/a	

		address the independent critiques raised by the Government Accountability Office and others that (1) states lack sufficient water quality data to make sound management decisions and (2) EPA and states cannot make statistically-valid statements about the condition of the Nation's waters as required under CWA S. 305(b) o Congress appropriated these additional funds beginning in FY2005 as a specific set-aside in the S.106 grant. o These funds are being used to support fundamental enhancements to state water quality monitoring programs, as identified in state strategies for strengthening their monitoring programs, and to produce statistically-valid reports on the status and trends in the condition of the nation's waters.		
We want to see more flexibility in funding, via the State Revolving Fund and other sources, for implementation of Total Maximum Daily Loads (TMDLs) and for energy improvements at wastewater and drinking water treatment plants.	**New England State Commissioners**	The CWA provides broad flexibility in the range of projects eligible to receive CWSRF funding. This flexibility allows for a wide range of TMDL implementation projects and activities and energy improvements at wastewater treatment plants. If you have any suggestions or specifics on flexibility in funding, we would be happy to follow-up with you.	n/a	
We need EPA to support the use of sound science, and fair, cost effective distribution of investment among point and non point sources of pollution in reducing nutrient loading to priority surface waters, including multi-state waters such as the Connecticut	**New England State Commissioners**	EPA concurs with the idea to support sound science and cost-effective approaches to reducing both point and non-point sources of nutrient loadings. We continue to be engaged in several	n/a	

River.		multi-jurisdictional efforts to address nutrient pollution, supporting technical and policy objectives in cooperation with states.		
There were 39,503 specific waterbodies that were identified by States in 2002 as being impaired. Does this number include waterbodies located on Indian lands? Indian tribes are not authorized to implement TMDLs. Will TMDLs be a viable option offered to Indian tribes? What about the affects of severe prolonged drought on the “Clean and Safe Water Goals”? Is there policy or guidance on how to counteract such affects?	**Navajo Nation**	Yes, it is possible for tribes to be involved in the development and implementation of TMDLs. Tribes can apply for, and receive, "treatment as a State" (TAS) for purposes of Clean Water Act section 303(d) and become responsible for development of TMDLs for waters located on tribal lands. However, to this date no tribe has chosen to apply for TAS for this purpose. For a tribe without TAS, analyses carried out by the tribe can feed into a TMDL that would usually be developed by EPA. Regardless of who develops the TMDL, tribes can be involved in implementation planning and execution. Alternatively, activities similar to the development of a TMDL can be planned and implemented to protect and restore water quality.	No changes made	
Federal minimum water quality standard should be implemented for checker-board areas in the Indian Country.	**Navajo Nation**	EPA agrees with the commenter’s concern about “checker-boarding” in Indian country. Under current EPA policy, EPA supports tribes with checker-boarded reservations that apply for eligibility to be treated in the same manner as a state (TAS) for administering water quality standards (WQS). This is the solution that over 40 tribes to date have successfully chosen, most of whom have some nonmember-owned fee lands that lead to some degree of checker-boarding. If the commenter is suggesting additional	n/a	

		federal action, this would be a major change in policy that cannot be addressed in National Program Guidance. We would be happy to work with the commenter and other interested tribes to explore these issues further.		
What about the overall assessment and targeting of endocrine disrupting-compounds and pharmaceuticals in lakes and rivers? How many Indian tribes have monitored these parameters?	**Navajo Nation**	EPA is concerned about the detection of a number of pharmaceuticals and personal care products in our water. EPA has been actively working with federal agencies and state and local government partners to better understand the implications of emerging contaminants such as pharmaceuticals, endocrine disrupting chemicals, and personal care products detected in drinking water, wastewater, surface water and ground water. We continue to evaluate their routes of exposure, levels of exposure, and potential effects on public health and aquatic life. Few states or tribes are conducting routine monitoring for such contaminants as yet; few such contaminants have validated methods at this time.	n/a	
Proposed new measure: 2.2.1 WQ-2a (new) The NTWC proposes that EPA include a new Program Activity Measure (WQ-3c). The new PAM will identify the number and national percentage of Tribes that have water quality standards approved by EPA and receive consistent annual funding (like states).	**National Tribal Water Council**	EPA does not agree with the recommendation. "Consistent annual funding" would be an input measure, hence not consistent with EPA policy to focus on outcome and output measures. Adding "national percentage" is not appropriate, since it implies that all tribes should have TAS. This is inconsistent with EPA policy in the *Final Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act* issued in 2006 after extensive	No changes made	

		collaboration with a large number of tribes.		
Proposed new measure: 2.2.1 WQ-3c (new) The NTWC proposes that EPA include a new Program Activity Measure (WQ-3c). The new PAM will identify the number and national percentage of Tribes that, within a 3-year period, will submit a request to EPA to promulgate and implement core Federal water quality standards. The water quality standards will be developed in consultation with Tribal governments, in a manner that would reflect Tribal priorities and site-specific water quality conditions.	**National Tribal Water Council**	If the commenter is suggesting a new policy of promulgating federal water quality standards for tribes in Indian country, this would be a major change in policy that cannot be addressed in the National Program Guidance. We would be happy to work with the commenter and other interested tribes to explore these issues further.	No changes made	
Sub-Objective: 2.2.2: Improve Coastal and Ocean Waters				
Measure #:CO-1, Number of coastal waterbodies identified in 2002 as not attaining water quality standards where standards are now fully attained. Comment: Tracking water quality improvements (i.e. standards attainment) would be best done on a country-wide, consistent, easily traceable spatial scale (e.g. "square miles" identified in 2002 as not attaining water quality standards where standards are now fully attained) NOT on a "number of coastal waterbodies" scale. For VA, the "number of coastal waterbodies" (assuming this means something like "number of coastal ADB Assessment Units AU's") has changed and will probably continue to change solely due to various administrative reasons NOT due necessarily to real environmental changes (e.g. standards attainment). Said another way, "number of waterbodies" attaining standards changes over time as "waterbodies" are merged or subdivided, "Square Miles" doesn't change over time except perhaps marginally as sea level changes.	**Virginia (via Region 3)**	Because of a number of technical challenges and workload issues (including for states), EPA's current strategic plan uses the most readily available "counting unit" available from all states -- assessment units. As EPA begins work this summer on the next strategic plan, the Office of Water is very interested in the approach suggested by Virginia -- measuring progress made to restore or improve waterbodies on the basis of dimensions like miles/acres/square miles. There will be technical and workload issues to address (including potential workload for state partners). OW looks forward to working with interested states on this issue as part of developing the next strategic plan.	No changes made	

Additionally, even if "coastal waterbodies" means something that doesn't change in size like "Chesapeake Bay", the size of different coastal waterbodies is so variable (e.g. "Chesapeake Bay" vs. "Lynnhaven Bay"), that the number of these attaining water quality standards since 2002 is not highly meaningful as an indicator of environmental improvement.				
Measure CO-2: Total coastal and non-coastal acres protected from vessel sewage by "no discharge" zones: Texas agrees with the EPA objective to protect water bodies from vessel sewage. No discharge zones already exist in Texas. While setting the protection standard is important, it is equally important that there be capacity at harbors and marinas for pump-out of sewage from vessels. It is recommended that EPA develop a program activity measure or indicator measure to track either the number of pump-out facilities or the total volume of sewage removed per year from vessels for proper treatment and disposal.	**Texas Council on Environmental Quality**	We appreciate Texas' comment on the No Discharge Zone PAM and recognize the importance of adequate pump-out facilities serving waters designated as No Discharge Zones. However, for several reasons, we do not think that it is practical or appropriate to develop an additional NDZ measure tracking the information requested in the state's comment. First, EPA's regulations on NDZ designations require that EPA consider whether there are adequate pump-out facilities before we approve an NDZ designation. Second, we are very concerned about the burden on the EPA regions and the states to generate the type of data being suggested by Texas.	No changes made	
Sub-Objective: 4.2.4: Sustain and Restore the US-Mexico Border Environmental Health				
Measure SP-23: Reduce the number of currently exceeded water quality standards in impaired transboundary segments of U.S. surface waters: The current target for the year 2012 calls for restoration of nine of the 17 impairments identified in the 2002 baseline. The EPA and Texas are initiating an effort to complete TMDLs or equivalent plans to focus on indicator bacteria impairments that exist in the Rio Grande, a shared international water. Texas supports the restoration goal and supports dedicated federal funding to supplement	**Texas Council on Environmental Quality**	The Agency also supports the restoration goal of reducing the number of currently exceeded water quality standards in impaired trans-boundary segments of U.S. surface waters. Dedicated federal funding to supplement local and state funding to address these impairments will be largely dependent on Agency priorities and available resources in the future. We also agree that evidence or a demonstration that the impairments no	No changes made	

local and state funding to address these impairments. However, evidence or a demonstration that the impairments no longer exist in 2012 may prove difficult to verify in such a short time frame.		longer exist in 2012 may prove difficult to verify. For this reason, we are reviewing the appropriateness of this measure for assessing progress related to the US-Mexico Border Water Infrastructure Program.		
Sub-Objective: 4.3.1 Increase Wetlands				
"No Net Loss" is desired through the Wetlands regulatory program under the Section 404 of the CWA. What is the affect of the Rapanos decision? The number of waterbodies meeting the "new" definition of Waters of the U.S. may drastically be reduced. However, these "Non-waters of the U.S." will likely need to be protected by Indian tribes and States.	**Navajo Nation**	EPA and the Army Corps of Engineers released guidance on jurisdiction of waters of the U.S. on June 5, 2007 ("Rapanos" guidance). Interpretations of this guidance, and how it impacts jurisdiction of waters of the U.S., are still ongoing. It does not appear that the number of jurisdictional waters affected will warrant a change in the "no net loss" goal**. It is still EPA's goal to achieve no net loss of jurisdictional waters under the CWA 404 regulatory program.**	No changes made	
Proposed targets: 4.3.1 WT-2a: Add a national target for states – 30; 4.3.1 WT-2b: Add a national target for Tribes – 10.	**National Tribal Water Council**	This measure indicates that building state and tribal wetland program capacity is a priority for EPA. We know from experience that results will vary across states and tribes over time. There are several reasons for this, including that not all states and tribes have consistent sources of funding for implementation activities. **Accordingly, EPA recommends that WT-2 remain as an indicator measure.**	No changes made	
Proposed new measures: 4.3.1 WT-4b *(new)* Create a new Tribal measure analogous to the state measure in WT-4, with a national target for Tribes - 5. and 4.3.1 WT-5 *(new)* Number of Tribes measuring baseline wetland condition – with plans to assess trends in wetland condition – as defined through condition indicators and assessments	**National Tribal Water Council**	EPA actively works with tribes on wetlands monitoring and assessment through the National Wetlands Monitoring and Assessment Work Group. EPA wants to encourage tribal wetlands monitoring programs, and will **investigate adding a new tribal component for WT-**	No changes made	

(cumulative).		**4 in FY 2010**. We are interested in working with the National Tribal Water Council to craft this measure and an appropriate target. For example, we're interested to learn how the proposed target of "5" was calculated? If there are five tribes that qualify under this measure, we'd like to learn about their programs. Please contact Michael Scozzafava at (202) 566-1376 to discuss further wetlands monitoring issues in more detail.		
Sub-Objective: 4.3.3: Improve the Health of the Great Lakes				
SP-29 (actually the entire series SP-29-32) are also unclear. For example, we do not sample lake trout in Lake Erie. Is anyone else tracking PCBs in the air emissions. We understood that our only "Area of Concern" was de-listed.	**Pennsylvania**	Clarification provided on Appendix D: Subobjective 4.3.3 provides a general indication of progress of numerous state and federal programs, with a specific focus on coastal wetlands, phosphorus concentrations, AOC sediment contamination, benthic health, fish tissue contamination, beach closures, drinking water quality, and air toxics deposition.	Yes, changes made	Appendix D