

**Office of Water**  
**Summary: Response to Comments**

#	Comment from state, tribe, or other stakeholder	Commenter(s)	Location in Draft Guidance	Office of Water Response	Action Taken in Final Guidance
General, Miscellaneous and Multiple-Program					
1	<p>Thank you for the very inclusive draft. It is extremely impressive, and I appreciate your willingness for comments. Mine are of gratitude and hope. Its very thoroughness is both appreciated and cause of concern. You'll do ALL those things when budgets are being cut? I certainly wish you luck! This will require excellent advertising at a time when fossil fuel companies would have us believe that fracking, for example, or gene modification and fertilizers do not threaten our water supply. How I would love to see their slick and faulty ads followed by ads telling the truth! It is so vital that we all protect our water supply, no matter how that negatively affects big industry.</p> <p>I hope that your plans will be 100% successful. I believe we have a pragmatic and ethical responsibility to do so.</p>	Terri MacKenzie	General comment	Thank you for reviewing the draft and providing comments.	No edits made
2	<p>Each year, states face decreases in funding, while programmatic commitments are expected to remain the same or increase. For years, the states have had to “do more with less,” but this year, with the impacts of sequestration, it will be particularly challenging to meet all needs with funding even further decreased . Reduced staff and resources will make it nearly impossible to continue to meet commitments at the same or a greater level. In negotiating work plans with regional EPA offices this year, states will need flexibility from EPA in the work they will undertake and will need to prioritize which commitments are the most important to complete.</p>	NEIWPCC, on behalf of the Northeast States	General comment	The National Water Program is committed to work collaboratively with states and tribes in this period of declining resources to achieve safe and clean water goals.	Edits made to Introduction, page 3.

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3	It is not clear whether current budget cuts were considered when this document was prepared. Document contains some ambitious goals, including increasing funding for specific areas. As good as that sounds, the impacts of Sequestration need to be addressed somewhere.	Pueblo of Laguna	Entire Document	In preparing the draft <i>Guidance</i> , the National Water Program considers current budget levels and their impact on FY 2014 performance.	Future target adjustments are on-going until final commitments in October.
4	The GWPC commends the USEPA on its focus on national priority areas to ensure safe and clean water for all Americans. In doing so, the Office of Water has clearly recognized that USEPA regional offices, states, and tribes need flexibility in determining the best allocation of resources for achieving clean water goals and safe drinking water at the regional, state, and tribal level.	Groundwater Protection Council	General comment	The National Water Program will continue to work collaboratively with states and tribes to ensure flexibility in the optimal allocation of resources to achieve safe and clean water goals.	Edits made to Introduction, page 3.
5	We also applaud the recognition of the value of the source water protection program and the efforts of the USEPA and others to make information available through the Source Water Collaborative. The clear discussion within the text that source water includes surface water and ground water, as well as the identification of the interchange between and the mutual goals of the Safe Drinking Water Act and the Clean Water Act activities under §106, §319, NPDES permitting and stormwater programs provides a more comprehensive approach to protecting human health, drinking water, and ecosystem habitats.	Groundwater Protection Council	General comment	Thank you for your comment.	No edits made.
6	From 2000-2001, the Association (then ASIWPCA) helped complete a national survey of the state Clean Water Act programs to determine the fiscal resource gap between what was required and what was being invested. Since that survey was completed, the CWA programs have continued to grow and in some ways have gotten more complicated. While the Office of Water has expressed interest in updating the information collection tool, the Administration has held up the ICR at OMB. Identifying the state	Association of Clean Water Administrators	General comment	The National Water Program recognizes the value for budgeting and planning purposes of identifying the resources entailed in managing the state water quality programs, and will contact OMB regarding the status of the ICR's review.	No edits made.

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	CWA program resource gaps seems like a worthwhile exercise, especially as we are seeing some shifting of resources and reprioritization occurring. Will the Office of Water attempt to shake this lose from OMB?				
7	For topics of overlap between OECA and OW (i.e. SRF/PQR, etc.), please refer to ACWA’s comments on the OECA draft guidance. Specifically, OECA has highlighted Next Generation Compliance as a new focus area. As part of Next Gen, there is an expectation that new program area rules will incorporate some of this vision on how monitoring and reporting can be utilized in the right ways to improve compliance rates. Likewise, there may be a need to revisit some older, historical program areas to ensure the programs can move forward by better integrating e-Enterprise concepts. How does the Office of Water view its role in this effort and what sort of resources can be made available to ensure states are prepared and moving in the right direction?	Association of Clean Water Administrator s	Through out	The only comments which EPA received from ACWA during the external review period were ACWA’s comments on the Office of Water’s draft NPM Guidance. The Office of Water supports EPA’s agency-wide efforts on E-Enterprise and OECA’s Next Generation Compliance approach. As discussed in OECA’s NPM Guidance, Next Generation Compliance involves work in 5 areas, including designing more effective regulations and permits that are easier to implement, with a goal of improved compliance and environmental outcomes. OECA is working with the program offices, including the Office of Water, and regions to design more effective regulations and permits that include Next Generation Compliance tools and approaches for better compliance and environmental outcomes. With regard to resources, the President’s FY 2014 budget includes \$60 million to support E-Enterprise, \$15 million of which would go to the states via grants to help them enhance their IT systems to prepare for E-enterprise. Also, the President’s FY 2014 budget includes \$ 4 million for a proposed new competitive state grant program that would be managed	No edits made.

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				by the Office of Enforcement and Compliance Assurance. The grants will assist the states in developing and implementing innovative approaches to improving compliance and measuring the effectiveness of these new ideas.	
8	<p>States very much appreciate the opportunity to review and provide comments on the NPM Guidance. However, the process seems very cumbersome and difficult to navigate for effective review and feedback of the document. The explanation of changes sometimes seem cryptic and the volume of changes to the document relative to the changes highlighted in the “Summary of Key Changes for States” document do not always seem to match up, resulting in a lack of confidence in the summary being a useful tool to guide state review. A more effective process of state review may be available.</p> <p>It would be helpful to connect the measures with the program under the CWA and the organization/office that handles that program within EPA, perhaps in the appendix. This would help states comment more effectively.</p>	Association of Clean Water Administrators	General comment	Due to the Lean format, significant edits were made to the structure and content of the narrative. Since these edits were too numerous to itemize, only key changes were summarized in Appendix C. The explanation of change was drafted to be concise and supplemental to the relevant narrative section.	Edits made to Appendix C.
9	While ACWA has included a comment on CR-SP54, above, we have generally avoided commenting on regionally-specific portions of the Guidance. ACWA recommends EPA work directly with states in the affected regions for changes that do not impact state programs nationally.	Association of Clean Water Administrators	General comment	Thank you for your comments and EPA is committed to working with applicable states in each large aquatic ecosystem.	No edits made.
10	Rulemaking for Amalgam Mercury at Dental Offices. In October 2010, U.S. EPA informed ECOS that the agency will pursue an Effluent Guidelines rulemaking for amalgam mercury at dental offices, with a proposed rule issued by 2011 and finalized by 2012. No such rulemaking has yet been issued, and there appears to be	Environmental Council of the States	General comment	EPA is continuing to work on the proposed Effluent Limitation Guidelines to control dental amalgam discharges.	No edits made.

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	no mention of dental amalgam in the draft FY14 NPM guidance for OW. ECOS has requested that U.S. EPA issue a rule requiring use of best management practices by dentists, including use of amalgam separator machinery to segregate and collect mercury. It appears the costs dentists would bear for purchasing, installing, and maintaining these machines would be negligible, while the public health and environmental benefits would be significant. ECOS took a position on this matter in March 24, 2010 (Resolution #07-1). The ECOS position was subsequently renewed on March 6, 2013. ECOS urges OW to include this rulemaking in its NPM guidance and program plans for FY14.				
11	<p>In the draft FY14 OAR NPM guidance document, OAR clearly delineates workload expectations for various programs by listing activities by audience under the following headings:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>HQ Activities</i></li> <li><input type="checkbox"/> <i>Regional Office Activities</i></li> <li><input type="checkbox"/> <i>Expected State and Local Agency Activities</i></li> </ul> <p>OAR's format of uniformly identifying activities by audience throughout its NPM guidance document is a useful one that allows states to readily identify expected state activities apart from EPA headquarters office and regional office activities. ECOS urges all NPM offices employ a uniform format throughout each NPM office guidance document of identifying activities by audience, and recommends OCFO work with all NPM offices to help them do so. Such an approach will aid state readers to quickly identify expected state activities for various programs.</p>	Environmental Council of the States	General comment	Thank you for your comments. We will categorize FY 2014 activities by audience where applicable.	Edits made.
12	State grant funding for air, water, and waste core programs comes from EPA's media offices. OECA is the lead agency for approval of any ACMS which impacts state workload and environmental	Environmental Council of the States	General comment	EPA encourages Alternative Compliance Monitoring Strategies (ACMS) so states can address the most pressing environmental and	No edits made.

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	<p>outcomes. States would benefit from greater coordination between OAR, OW, OSWER, and OECA on how to streamline a state's application and EPA's approval of an ACMS. For instance, pulling together information on why there may be less need to inspect major sources that are largely in compliance and instead focus on smaller sources that may need greater assistance can be burdensome. An alternative approach may be to provide compliance rate data on major sources. If this data shows compliance is at a certain level along with data from an EPA oversight audit that a state is meeting EPA's requirements, a state may be allowed to pursue an ACMS. EPA might also consider working jointly with states to develop a "pick list" for compliance oversight strategies states can use.</p> <p>ECOS recommends that OAR, OW, OSWER, and OECA, working jointly with states, initiate discussions on how to streamline a state's application and EPA's approval of an ACMS and include in appropriate NPM guidance documents, a commitment to work with states to do so. As a specific short-term action for FFY14, ECOS suggests that a high-level group with representatives from OECA, OW, OAR, OSWER, and ECOS be tasked to create some simple guidance for states on approvable ACMS containing elements like those outlined above, that if followed by states will be quickly approved by EPA.</p>			<p>public health issues in their states. OECA is EPA's lead office on Alternative Compliance Monitoring Strategies (ACMS). We have shared ECOS' comment with our colleagues in OECA for their consideration. OECA and EPA regions will continue to work with states on alternative CMS plans. Approval times of alternative CMS plans vary considerably state-to-state and region-to-region and are dependent on factors such as level of detail provided, degree of variability from the CMS, and the particular program for which the flexibility is being requested. As stated during OECA's call with ECOS, if states have suggestions on ways to streamline or make the process more user friendly, OECA is interested in hearing about them and welcomes those ideas."</p>	
13	<p>Performance measures seem focus on what states, tribes etc are able to accomplished within certain timeframes. e.g. ability of a PWS to come into compliance or ability for a tribe to accomplish work plan activities. There needs to be emphasis on measuring EPA's performance as well, since it is a partnership.</p>	Pueblo of Laguna	Entire Document	<p>The suite of performance measures includes targets for EPA, as well as states and tribes. The National Water Program recognizes the collaborative accountability for EPA and its partners.</p>	No edits made.
14	<p>General Comment: EPA has gone through a ten year period of aggressive Safe Drinking Water Act (SDWA) and Clean Water Act</p>	Texas Commission	N/A	<p>We are committed to obtaining the input of those affected by and/or implementing our</p>	No edits made.

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	(CWA) program expansion. Many of these programs have been underfunded or have been unfunded mandates. In some cases science has not supported rulemakings and rules have been rescinded. Stakeholder processes are not as inclusive and comprehensive as is necessary to produce quality programs that support safe drinking water and clean water bodies. Any additional program requirements should be based on sound science, thoroughly vetted through robust stakeholder processes, and fully funded.	on Environmental Quality		regulations. Consulting with states and local governments is consistent with our mutual goal of developing CWA and SDWA regulations that can be implemented in an effective and efficient manner.	
15	<p>ECOS recommends all NPM guidance documents include a statement regarding both potential state and federal resource limitations and that explicitly allows for exploration of flexibility in state-region negotiations to fit local priorities in recognition of these limited resources.</p> <p>On Page 31, the bolded statement does not recognize resource limitations but rather an expansion of workload.</p> <p>In the FY14 President’s budget request from FY12 enacted levels, an increase of \$4 million (4%) has been proposed for the PWSS grant, and a decrease of \$101 million (11%) has been proposed for the Drinking Water State Revolving Fund (DWSRF) (of which a portion – up to 31% - is used by states for program administration and outreach). The draft FY14 OW NPM guidance document states "that grant recipients should be focused on <b>ensuring that the gains of the previous years’ efforts are preserved and built upon</b>" (p. 31, emphasis added).</p>	Environmental Council of the States	General comment page 31	<p>The National Water Program is committed to work collaboratively with states and tribes in this period of declining resources to achieve safe and clean water goals. The following sentence was added to the Introduction: "In drafting this <i>Guidance</i>, OW recognizes that the federal budget is shrinking and that states, tribes, territories, and municipalities may be experiencing budget shortfall due to a slowly recovering economy. In this environment, it is important for EPA to work with partners to focus resources on the highest priorities and find the most efficient path towards achieving clean and safe water goals."</p> <p>Edits were also made to page 31, per ECOS’ comments.</p>	Edits made to Introduction, page 3 and 31.
16	The measures table columns have been changed to have only a “measure category” column, which utilizes multiple categories, as compared to two simpler columns (Indicator and Measure) in the FY13 Guidance. We cannot find an explanation for or discussion of this change.	Association of Clean Water Administrators	Appendix A	The “Measure Category” column was added from Appendix E in the FY 2013 <i>Guidance</i> . It provides more information on the use of measures, beyond whether it is an indicator or not. The legend for the categories is at the top	No edits made.

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of the table under the column headings.					
Areas of Focus: Protecting Populations at Risk					
17	<p>As a hydrogeologist and concerned citizen, environmental justice to me is not just about serving at risk communities, although this is quite important. Environmental Justice means that there is recourse for citizens to receive appropriate response and action by the regulatory agency to answer reasonable and well informed concerns. When State program administrators “blow off” a citizens concern, and no response is achieved by the region that oversees the state program, this creates a situation of injustice.</p> <p>There needs to be a level of accountability by state and local agents, to the citizens when appropriate concerns regarding non compliance and notification of violations and/or illicit discharges are reported. Currently, there is no means to assure appropriate response. The public (especially the professional public who rely on compliance and enforcement efforts to create work and jobs), need to have a way to report non response/inappropriate response by state or local agents to the oversight agency (EPA) for review.</p> <p>There needs to be a way that professionals can submit concerns about their local and state programs and their shortcomings/failings to be reviewed so that appropriate improvements can be made. Without this, there is a disconnect between the agency and the public that they theoretically serve.</p>	Tammie Heazlit, arch environmental Clean Water Group	IIA2, page 5	<p>Thank you for your comment. The EPA Office of Civil Rights and Office of the Inspector Generals have staff assigned to deal with complaints from stakeholders. You may also use an EPA or state tip line to log your complaint concerning local and state programs noncompliance and notification of violations and/or illicit discharges.</p> <p>One of EPA’s priorities is to engage in dialogue with Environmental Justice stakeholders. Each regional office has an EJ Coordinator that works collaboratively with stakeholders in the regions. In addition, the Regional EJ Coordinators work closely with the regulatory and enforcement staff and has a direct link to staff working for the Regional Administrator. A list of the EJ Coordinators can be found on the EPA, Office of Environmental Justice webpage.</p>	No edits made.
18	Ensure that Consultation is meaningful, occurs on a regular basis and timely manner and that all concerns are heard. Require training for agency personnel on Consultation.	Pueblo of Laguna	Page 6	OW strives to fully implement EPA’s Tribal Consultation Policy, and consistently follow a process of meaningful communication and coordination between EPA and tribal officials prior to EPA taking actions or implementing	No edits made.



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				<p>decisions that may affect tribes. OW is developing guidelines for ensuring a consistent and evaluative process over time. In FY 2012, EPA developed new training on the Consultation Policy as part of our <i>Working Effectively with Tribal Governments</i> training, and made this training mandatory for every EPA employee to complete.</p>	
19	<p>OW will promote infrastructure improvements to small and disadvantage communities through the CWSRF that protect and restore water quality</p> <p>As of 2012, 10% of the total homes in Indian country continue to lack access to safe drinking water, compared to less than 1% of non-tribal homes in the U.S. Two components must be addressed to remove this disparity: funding to cover capital costs associated with new construction or upgrades to physical infrastructure; and support for long-term operations and maintenance to ensure delivery of services protective of human health and the environment, and to protect the federal investment in infrastructure.</p> <p>The SRF budget forecast continual cuts up through to FY2016. These projected cuts in funding will progressively erode the investment in the number of Tribal homes with access to safe drinking water. SRF reductions have disproportionately affected to Tribes, because they do not have loan repayments to offset the cuts like states do. Recognizing economic realities and the increasingly limited availability of funding, a SRF funding floor for Tribes (FY2010 funding level) is needed to achieve tribal and agency goals. Additionally, flexibility in the use of limited funding</p>	Ken Norton, on behalf of the NTWC	II A. , Page 6	<p>Thank you for your comment. EPA will include information in the National Water Program Guidance describing an effort to better understand operation and maintenance costs associated with drinking water and clean water infrastructure.</p>	Edit made on page 7.

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	will help to insure that tribal priorities are addressed				
20	Measure SDW.SP3.N11 should take into account the disparities between communities and between tribes when it comes to whether or not they are disproportionately burdened by environmental hazards. With current federal budget climate, it makes sense to target limited resources to the most disproportionately burdened tribes.	Pueblo of Laguna	EJ measure s, page 7	Thank you for comment.	No Edits Made.
21	OW should work with ORD to conduct further Risk Assessment s and health impacts, especially in communities that consume large amounts of fish and shellfish. Specific concern from some tribes is that fish consumption rates currently used in Risk Assessments do not reflect (are lower than) their actual consumption.	Pueblo of Laguna	EJ Activities for 2014 Page 7	<p>EPA’s 2000 <i>Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health</i> encourages use of the best local, state, and regional data available. The 2000 Methodology recommends, in order of preference, use of (1) local data; (2) data reflecting similar geography/population groups; (3) data from national surveys; and (4) EPA’s default consumption rates. EPA’s 2000 Methodology currently recommends a default of 142.4 grams fish per day as an approximation of average consumption for subsistence fishers.</p> <p>EPA is reviewing the recently published data on fish consumption patterns from the National Health and Nutritional Examination Survey (NHANES) to determine whether to revise EPA’s recommended default fish consumption rates. Additionally, EPA is currently helping to develop a fish consumption survey for tribal communities in Idaho and is just starting a project to provide</p>	No edits made.

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				new national guidance on conducting local fish consumption surveys, which will include high consuming populations such as Native Americans. EPA will continue to work with tribes and states in developing fish consumption rates that reflect local consumption patterns. Last, OW will continue to work closely with ORD to help ensure that the most recent information regarding fish consumption rates is included in tribal risk assessments.	
22	<p>Funding for Alaskan Native Village (ANV) Water Infrastructure Program has significantly declined since FY-2005. In the eight years from FY-2005 through FY-2013, funding levels have decreased by \$34.6 million. Furthermore, the President’s FY- 2014 budget for ANV (\$10 million) cuts funding by 78% when compared to the levels received prior to in FY-2005 (\$44.6 million). The impacts of reduced funding has decreased the number of planned and/or constructed water and wastewater projects and impeded operation and management service to existing systems in rural and native villages.</p> <p>EPA makes ANV programs funds available to native communities through the State of Alaska on a complete basis. Alaskan native village communities are given a chance to apply for water, waste, and waste water projects annually (up to \$2.5 million per community). Due to issues of funding accountability and MOU agreement problems with the State, EPA has chosen to work directly with many villages and consortiums in distribution of ANV funds. However, the majority of funding is still funneled through the state process. Many Alaskan village communities have</p>	Ken Norton, on behalf of the NTWC	II A., Page 7	<p>In this time of limited resources, funding has been reduced for many programs including the ANV program. The Administration makes difficult choices as we face tighter budgets in the coming years and the Agency will continue to work with the State of Alaska to address sanitation conditions and determine how to maximize the value of the federal investment in rural Alaska. The National Water Program is committed to work collaboratively with states and tribes in this period of declining resources to achieve safe and clean water goals.</p> <p>EPA is directed by Congress to award grants to the state of Alaska under the ANV program and EPA has not, under this program, supplied grants directly to Alaskan native village communities. Under the ANV program, all funds are granted to the state of Alaska with</p>	No edits made.

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	<p>identified the state allocation process as barrier to improving access to safe drinking water and basic sanitation.</p> <p>Reduction funding level and inadequate administrative oversight of ANV funds have resulted in:</p> <ul style="list-style-type: none"> <li>• Reduction in the percentage of homes served in village communities</li> <li>• Layoff of technical staff, impeding the ability of village program to effectively carryout their most basic duties of operating and maintaining existing water and wastewater systems.</li> </ul> <p>In order to address these problems, the NTWC advocates in restoring funding level for the ANV program to the FY-2005 level of \$44.6 million. And redesign the allocation process to provide funds directly with villages and consortiums.</p> <p>Reinstatement of FY-2005 funding level (\$44.6 million) is needed to increases the number of homes in native village communities served with access to safe drinking water and wastewater disposal systems. In FY-2003, 77% of rural village homes had access to adequate water and wastewater infrastructure. Restored funding will work towards EPA’s goal of 95% of rural village homes with access to safe drinking water and wastewater disposal systems. Finally allocating fund directly to village communities will result in the training of technical staff in these rural villages to operate and maintain their water and wastewater facilities.</p>			<p>some funds being administered through sub-grants directly to communities and the remaining funds going to the Alaska Native Tribal Health Consortium that provides support to the communities. This process has worked successfully through agreements and oversight to improve access to water and wastewater infrastructure for Alaskan native villages.</p> <p>The FY 2014 request in the President’s Budget of \$10 million will fund a portion of the need in rural Alaskan homes and will be used to maintain the existing level of wastewater and drinking water services that meets public health standards, given increased regulatory requirements on drinking water systems and the rate of construction of new homes in rural Alaska. Additionally, the FY 2013 request will continue to support training, technical assistance, and educational programs related to protecting existing federal investments in infrastructure.</p> <p>The ANV program uniquely finances not only water &amp; sewer infrastructure but also training and technical assistance programs. Two key funding priorities for the EPA ANV program are the Remote Maintenance Worker (RMW) and the Rural Utility Business Assistance</p>	

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				<p>(RUBA) Programs. These programs ensure that the past investments made by the Federal Government and the State are protected through the provision of education and technical assistance. These programs have been fully funded to the levels the State has requested. Training for technical staff is available to ANVs through the RMW and RUBA programs.</p> <p>The National Water Program is committed to work collaboratively with states and tribes in this period of declining resources to achieve safe and clean water goals. EPA notes that between 1999 and 2012, an estimated \$0.68 B have been invested in the planning, design and construction of drinking water infrastructure in the 154 public water systems that serve the ANVs or \$4.4M per public water system.</p>	
<b>Areas of Focus: Improving the Integrity of the Nation’s Drinking Water and Clean Water Quality</b>					
23	Integrated NPDES Program Reviews: EPA discusses the significance of EPA conducted Permit Quality Reviews (PQRs) and further conducting additional PQRs in FY 2014. EPA Headquarters conducted a PQR of the TPDES program in Texas on May 18-19, 2011. TCEQ has never received the results of this PQR and does not feel additional PQRs of the TPDES program are warranted until results of the previous PQR have been completed.	Texas Commission on Environmental Quality	Page 9	EPA will be conducting PQRs on a four-year cycle. EPA currently anticipates conducting the next Texas PQR in FY2016.	No edits made.
<b>Areas of Focus: Providing Safe and Sustainable Water Resources and Infrastructure</b>					
24	We suggest that the formatting of this section be changed to	Association of	Pages 8-	We explored alternative formats of this multi-	No edits

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	consolidate the information on specific topics [e.g., 1) Protecting Drinking Water Supplies, 2) Improving Small System Capacity, 3) Maintaining Healthy Waters, 4) Supporting Green Infrastructure, and 5) Integrated Municipal Stormwater and Wastewater Plans]. The overview and subsequent actions and program measures are now split into different parts and grouped separately. To provide the reader with a better understanding of the topics and not have to flip back and forth between the pages, it would be helpful if the actions and program measures were grouped together.	State Drinking Water Administrators	16, Sections II C.	program focus area and selected the optimal presentation while retaining the new Agency format.	made.
25	The discussion of Green Infrastructure in this portion of the guidance is exclusive to the Clean Water SRF. We agree that there are typically more and a greater variety of opportunities in Clean Water Act programs. Some mention of the accomplishments and future plans relative to green infrastructure for drinking water infrastructure could be included. We continue to be supportive of green solutions, wherever appropriate, but do not support them as a mandatory provision of the Drinking Water SRF. The focus of the Drinking Water SRF is and should continue to be on safe drinking water and protection of public health.	Association of State Drinking Water Administrators	Pages 10-11, Supporting Green Infrastructure	EPA has had discussions of recognizing the use of green infrastructure for source water protection. While EPA does not have any specific details to add to the guidance at this time, the agency will consider this for the FY 2015 guidance.	No edits made.
26	When it comes to protecting water supplies such as aquifers, understanding and mitigating potential impacts and threats of hydraulic fracturing and mining activities to water quality and quantity need to be made priority.	Pueblo of Laguna	Page 11	The National Water Program is committed to protecting underground sources of drinking water in light of expanding energy extraction activities. The guidance represents commitments to implement existing statutory or regulatory authority where it exists.	No edits made.
27	Consider utilizing state and local government, environmental laboratories as partners for accomplishing the goals for providing safe and sustainable water resources.	Assoc. of Public Health Laboratories	Page 12	EPA appreciates the role of state and local governments, as well as good science, in the protection of water resources.	No edits made.
Areas of Focus: Controlling Nutrient Pollution					

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28	Consider utilizing state and local government, environmental laboratories for developing and evaluating numeric criteria for nutrient pollution. These government laboratories have the capabilities and knowledge needed to assist OW in accomplishing its goals related to numeric criteria of nutrient pollution abatements.	Assoc. of Public Health Laboratories	Page 13	Thank you for the suggestion. EPA does not dictate which laboratories should be used. EPA believes that states and authorized tribes already generally understand that they have the discretion to choose which laboratories to use for nutrient analyses so long as EPA quality assurance guidelines are followed.	No edits made.
29	Controlling Nutrient Pollution Activities: TCEQ is concerned with the level of effort and regulatory impact of implementing portions of EPA’s nitrogen and phosphorus reduction framework. For example, Texas has over 200 major watersheds (8-digit HUCs) that would be subject to this process, and a large number of sub-watersheds that would be targeted for management activities and potential additional regulatory action. EPA should use a flexible approach so that the EPA framework can reasonably mesh with existing state water quality management programs.	Texas Commission on Environmental Quality	Page 13	Nationwide, nutrient pollution is one of the most serious and pervasive water quality problems. While Nutrient Frameworks are flexible, EPA considers these elements to be critical steps towards the identification, prioritization, control and reduction of one the most pervasive pollutants (total phosphorus and total nitrogen) in our nation’s waters resulting in designated use impairments. The Nutrient Framework recognizes and provides considerable flexibility as requested by the TCEQ in key areas but with recommended minimum building blocks for programs to successfully manage nitrogen and phosphorus pollution.	No edits made.
30	Controlling Nutrient Pollution Activities: EPA discusses working with state partners to ensure effluent limits for nutrient pollution are included in permits, where necessary. EPA should recognize that effluent limits are only one tool used to address nutrient limits in permits, and that other methods are acceptable and even more effective in controlling nutrient pollution. For these complex and challenging issues, EPA should maximize program flexibility and make all tools available to States.	Texas Commission on Environmental Quality	Page 13	We have added the following language in italics to the Nutrient section: “Under the NPDES permitting program, state and federal permitting authorities are required to issue permits with effluent limits <u>as well as other requirements (e.g. best management practices, water quality trading, nutrient management plans etc.)</u> to protect state water	Added language on page 13 as described in the response.

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#	Comment from state, tribe, or other stakeholder	Commenter(s)	Location in Draft Guidance	Office of Water Response	Action Taken in Final Guidance
				quality standards (WQS) to all point sources discharging pollutants to any water of the U.S.”	
31	<p>Controlling Nutrient Pollution: The Guidance specifically addresses State and not Tribal nutrient pollution; indeed the only mention of Tribes in relation to nutrient pollution is in the South Florida comments on page 66.</p> <p>The 3/16/11 memo mentioned on page 13 of the Guidance invited comments from tribes but was likewise specifically addressed to States. The memo clearly makes the connection between utilizing 303(d) listing as a precursor to obtaining funding under Section 319 and/or NRCS and the Guidance reaffirms this strategy. The problem with this from the Tribal perspective is simply the lack of Tribes that have 303(d) listed waters. Specifically, this does not mean that there is little nutrient pollution in Indian Country but rather that the 303(d) listings are absent. For the majority of Tribes the result is an absence of nutrient reduction strategies including point and non-point sources and a lack of targeted nutrient monitoring activities leading to TMDL development- thereby negating the potential for remediation or TMDL trading. Ironically, Tribal Section 106 water quality data now entered into STORET can be utilized by neighboring States to develop watershed nutrient models!</p> <p>These obstacles to Tribal engagement and participation are all programmatic. The NTWC asks the Agency to recognize that the 303(d) based approach to nutrient pollution is presently ineffective in Indian Country. We recommend the development of a more holistic approach that meets Tribes where they are- either with or without federally approved water quality standards, and empowering them to develop nutrient reduction strategies with</p>	Ken Norton, on behalf of the NTWC	II D., Page 13	<p>EPA recognizes the need to control nutrient pollution on both tribal and state lands. The 3/16/11 memo from Nancy K. Stoner does not impose a requirement that a 303(d) listing be in place prior to receiving funding under the section 319 program. Tribes and states may receive funding under these programs for waters where a 303(d) listing is absent.</p> <p>Although restoring impaired waters is a high priority for EPA, we recognize that tribes may have different needs than states, and EPA provides separate tribal guidelines for section 319 funding. For more information on financial assistance through EQIP under the National Water Quality Initiative or other NRCS programs, please contact NRCS. Tribes interested in using a portion of their section 106 grant to address nutrient pollution should discuss the issue with EPA regional office leadership and/or grant coordinators.</p>	No edits made.



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	measurable objectives and access the resources for remediation available under Section 319 and NRCS.				
32	Under Controlling Nutrient: Pollution Activities for FY 2014, it is stated that EPA managers should continue working with states to help develop numeric criteria for nitrogen and phosphorus, so that states have clearly measurable, objective metrics to guide long-term pollution reduction efforts and adaptively manage towards achieving long term goals. While the Northeast states agree that reducing nutrient pollution is a priority, they do not feel that numeric nutrient criteria are the only approach, nor are they necessarily the best approach for doing this. The states are implementing a number of efforts related to nutrient reduction, including TMDLs, site specific nutrient studies, and water quality-based effluent limits. Should EPA continue its focus on adoption of numeric nutrient criteria, the states strongly encourage EPA to allow the states flexibility in the approaches used for developing and implementing these criteria, including the use of environmental response variables in determining nutrient thresholds and impairment decisions.	NEIWPCC, on behalf of the Northeast States	Section II.D., Page 13-14	The Nancy Stoner memo "Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions" reaffirms EPA's commitment to partnering with states and collaborating with stakeholders to make greater progress in accelerating the reduction of nitrogen and phosphorus loadings to our nation's waters. In particular the memo acknowledges that states and EPA have a number of regulatory and other tools at their disposal and urges new emphasis on working with states to achieve near-term reductions in nutrient loadings through available regulatory and nonregulatory tools.	No action taken.
33	In general, nutrients would be better addressed under CWA Section 319 than 106. Look into increasing base funding for tribal 319 programs, reducing the burden on tribes applying for 319 funding by reducing or eliminating TAS requirements for Tribes that have a 106 program. Accelerate reforms to 319. Increased compliance and enforcement would reduce nutrients from point sources. Since Agency Priority Goals for 2012-2013 intended to revise 50% of state NPS programs by Sept. 2013, performance measure should indicate level of progress in meeting that goal and steps to be taken in 2014 to accelerate the process.	Pueblo of Laguna	Page 13 and 14	EPA supports the use of both Sections 106 and 319 by states and tribes to address nutrients. Section 106 can be used for a wide range of activities including: assessing water quality, developing nutrient reduction plans, developing TMDL's, and numeric nutrient criteria.  EPA recognizes that base funding for the tribal 319 programs is limited and we will consider options for use of available funds. EPA would be interested in learning more about specific	No edits made.

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				<p>tribal concerns regarding the TAS process for the section 319 program.</p> <p>An Agency Priority Goal for 2012-2013 includes a goal that 50% of state NPS management programs be updated by Sept. 2013. Making continued progress is a priority for the Agency. APGs receive a high level of attention by EPA senior management and oversight agencies and discussion of the priority goal is included in the National Water Program Guidance and the EPA budget requests. Progress is also tracked on performance.gov. The EPA will look for additional opportunities to discuss the priority goal.</p>	
34	In the Revised 319 Guidelines EPA expects states to update their NPS plans. Is there a reason there is no traceable measure specified for this activity? Where does this metric lie within the current EPA strategic planning process?	Association of Clean Water Administrators	Section II-D, Page 14	An Agency Priority Goal for 2012-2013 includes a goal that 50% of state NPS management programs be updated by Sept. 2013. Agency Priority Goals put special focus on a programmatic priority and typically last for two fiscal years. In part due to this limited duration, Agency Priority Goals are tracked separately from the Agency's ongoing suite of budget and strategic planning goals. APGs receive a high level of attention by EPA senior management and oversight agencies.	No edits made.
<b>Areas of Focus: Assuring High Quality and Accessible Water Information</b>					
35	Consider utilizing APHL to advance OW's goals related to data information. APHL has conducted significant collaboration with	Assoc. of Public	Page 14 et	Thank you for the comment, we will soon be coordinating with ASDWA to get input from	No edits made.

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	OW on SDWIS NexGen and related data management issues. APHL, and its member, environmental laboratories, can provide further assistance with revising and developing water monitoring methods, testing, and new technologies. APHL welcomes the opportunity to collaborate further with OW in these efforts.	Health Laboratories	seq. Page 21 et seq.	individuals from various lab and system associations (including APHL) on the development of SDWIS NextGen.	
36	<p>As the Agency moves forward with the E-Enterprise initiative, it is imperative that states are adequately supported/funded to leverage the tools and the expanding systems that are designed to improve data quality and reduce the reporting burden.</p> <p>The FY14 President’s Budget requests \$3.4M in Section 106 grants for E-Enterprise efforts. How will EPA allocate these funds—as a separate formula or in the 106 lump sum to states?</p>	Association of Clean Water Administrator s	Section II-E, Page 14-15	EPA thanks the commenter and agrees the e-Enterprise initiative will result in improved data quality and a reduced reporting burden. If supported in the FY14 budget, EPA will determine the best approach for allocating the \$3.4 million in Section 106 funds for e-Enterprise to support state and tribal activities. If EPA proposes to use the alternative formula (40 CFR Part 35.162(d)), EPA will consult with states and tribes before the alternative formula is developed.	No edits made.
37	<p>Increase training and quality of training for tribes on how to use WQX. Webinars are not sufficient training. Continue to improve on the data upload process and WQX in general to make it more user friendly. Continue to fund technical support (help desk) to address problems with data.</p> <p>Some tribes have concerns or reservations about data sharing and there are misconceptions about requirements to share data, and the implications of making water quality data publicly available. These issues need to be addressed. By EPA</p>	Pueblo of Laguna	Page 14 and 15	EPA provides a range of technical assistance through user documentation, online video tutorials, webinars, user calls, and help desk support. EPA will continue to support these activities to help data owners successfully submit their data. EPA’s goal is to make as much data publically available as possible. If a data owner has concerns about displaying any data that is considered sensitive, then that data owner should contact their EPA Regional Grant Coordinator to discuss the best way to meet the data reporting requirement.	No edits made.
38	Regarding the transmittal of water quality data using WQX: The TCEQ has concerns about the increase in the amount of information required to be reported by the states and submitted	Texas Commission on	Pages 15 and 41	EPA has two goals; to increase the number of states which report water quality data using WQX and to increase the amount of water	No edits made.

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	to the EPA. This is an unfunded mandate. The EPA should remain mindful that any changes to reporting schema are often difficult and costly for states to implement, and as such, any changes to the schema should result in any new elements being optional. TCEQ recommends that states continue to be included in any discussion. EPA should evaluate the needs vs. any additional cost and burden imposed by the processes.	Environmental Quality		quality data which is reported using WQX. EPA has not announced any changes to the WQX schema which would increase the number of fields to be reported. If EPA determines that there is a need to increase the number of data fields, then EPA will consult with data owners on any proposed schema updates before making any changes.	
<b>Cross Cutting Themes: National Water Program and Tribes</b>					
39	Add measure that tracks number of tribes participating in WQS standard setting process including consultation with EPA regarding program oversight responsibilities	Houlton Band of Maliseet Indians	Page 18	Thank you for this suggestion. EPA encourages tribes to participate in the standards-setting process in these ways, and has seen some steps in this direction. EPA will consider developing measures of this type for future annual program guidance.	No edits made.
40	Add measure that tracks number of tribes developing culturally appropriate parameters that inform WQS development.	Houlton Band of Maliseet Indians	Page 18	Thank you for this suggestion. EPA encourages tribes to participate in the standards-setting process in these ways, and has seen some steps in this direction. EPA will consider developing measures of this type for future annual program guidance.	No edits made.
41	WQ-SP14B.N11 (SP-14b): The NTWC supports the Tribal goal of making SP-14b a long-term performance measure, and will provide assistance in establishing it as an enduring measure within EPA's Fiscal Year 2018-2022 EPA Strategic Plan. The first step in advancing this goal over the next three years is to convert SP-14b from an indicator to a performance measure. The NTWC will assist in this transition by encouraging more Tribes to participate in this measure. The NTWC plans to coordinate with the nine Regional Tribal Operation Committees to seek greater Tribal interest in	Ken Norton, on behalf of the NTWC	Page 18, Appendix A	EPA will work with the National Tribal Water Council and other tribal representatives to pilot the WQ-SP14B.N11 indicator measure. We will include it in strategic measure in the Agency's Fiscal Year 2014-2018 Strategic Plan.	No edits made.

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	<p>establishing monitoring stations within their lands. By 2015, the intent is to have eligible Tribes operating 50 or more stations reporting on water quality. The reporting should demonstrate no degradation over a two year period. The Tribes will report on their water quality performance to their EPA regional CWA 106 and 319 coordinators. The coordinators will need to work closely with the Tribes to ensure that progress is being made in meeting the criteria for this measure during the reporting period (2012 -2015). Many of the participating Tribes will require technical assistance in the analyses of their monitoring data to demonstrate no net degradation of their waters. NTWC requests that regional funding be identified to support the use of regional circuit riders to assist Tribes in their monitoring and data assessment efforts. Providing such assistance will enable more Tribes to participate in this measure.</p>				
<b>Cross Cutting Themes: Implementing Innovative Technology in Water</b>					
42	<p>We appreciate EPA’s new effort to eliminate barriers to innovation and stand ready to share state experiences. Many states and interstates have developed programs to accelerate the availability of new technologies.</p>	<p>Association of Clean Water Administrators</p>	<p>Section III-A-4, pp.21-22</p>	<p>Thank you for your comment and offer of sharing state experiences.</p>	<p>No edits made.</p>
<b>Cross Cutting Themes: Climate Change</b>					
43	<p>General Comment: Climate Change: EPA indicates that in FY 2014 state programs will need to define some initial, high priority, climate change adaptation actions for clean water and drinking water programs and begin implementing appropriate changes to programs. This task distracts from States’ mission and politicizes water infrastructure and water quality issues unnecessarily. These issues need a clear focus anyway, not in the name of questionable science, especially given that EPA can’t define what “climate change” means, e.g. should we plan for severe drought or floods?</p>	<p>Texas Commission on Environmental Quality</p>	<p>General comment</p>	<p>The science describing the impacts of a changing climate on water resources is sound. The Office of Water has recognized the impacts of climate change on water programs since 2008 and is proposing in the <i>2014 Guidance</i> to implement the updated <i>National Water Program 2012 Strategy Response to Climate Change</i>. This <i>Strategy</i> was developed with extensive public and stakeholder input.</p>	<p>No edits made.</p>

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	<p>Planning for clean, potable water availability should always be a priority; spending time on “high priority, climate change adaptation actions” will be a distraction from our goals and should not be tolerated by EPA. We need to identify solutions, not add more bureaucratic reports to be blessed by the EPA in the name of planning. Additionally, climate change is discussed in multiple sections of the draft document and TCEQ takes this same position with other areas that discuss climate change.</p>			<p>Many climate change adaptation actions do not require new activities and can be accomplished by amending existing activities to recognize climate change impacts.</p>	
44	<p>The GWPC agrees that climate extremes can have significant impacts on water resources and pose difficult challenges for water program managers at federal, state, and local levels. However; the document should not only support ongoing water resource planning to meet current and future challenges posed by climate extremes (both the short and long term), but should also recognize increasing pressures on existing resources from population growth, competition for resources among various industries, and quantity and quality issues associated with current supplies. Support for water conservation and repairs to leaky infrastructure can help stretch existing resources; however, the ability to identify new water sources to meet increasing demands is needed. Alternative water resources which utilize groundwater to provide a more sustainable water supply can be an important part of this guidance. Untapped or underutilized groundwater sources may be available locally to supplement or provide needed capacity to water systems. Switching to "undesirable" water for industrial and agriculture purposes, brackish groundwater desalination, stormwater harvesting, aquifer storage and recovery, and water reuse are five groundwater-related resources that are either currently used or being considered for development in many areas of the nation. USEPA should clarify that it also supports these</p>	Groundwater Protection Council	N/A	<p>We’ve met with ACWA and ECOS and look forward to continuing those dialogues and working with states and tribes on identifying innovative technologies.</p>	No edits made.

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	innovative technologies and water supply efforts and will work with the states to resolve regulatory issues that are impeding the use of these alternative water resources.				
45	This section should reference the State-Tribal Climate Change Council (STC3), which EPA and ACWA, and many others, are involved in. We also suggest that EPA add to this discussion references to its extreme weather and resilience efforts. This will allow the Agency to recognize the sustainable infrastructure initiatives (which states and interstates are supporting).	Association of Clean Water Administrators	Section III-A-3, pp.20-21	Thank you for your comment. References to STC3 and extreme weather assistance have been added.	Edits made.
46	The draft guidance states, "In FY 2014, state and tribal water programs will need to define some initial, high priority, climate change adaptation actions for clean water and drinking water programs and begin implementing appropriate changes to their programs." This language is of concern due to its directive nature. Many states already focus on planning for future severe droughts, flood conditions, aquifer depletion, or extreme storm events. The draft guidance notes that "states and tribes will need to have moved from initial assessment of the threats posed by a changing climate to advocacy for needed support from EPA and other federal agencies for affirmative and well-resourced programs...." This language seems to suggest states will be evaluated somehow on the effectiveness of their "advocacy" for assistance when facing severe weather or other crises. ACWA recommends that EPA modify the language in this section to instead focus on the value and priority of collaborative state/tribal/federal efforts to address high priority issues such as strained infrastructure and source water under stress. States remain committed to working with EPA on this.	Association of Clean Water Administrators	Section III-A-3, pp.20-21	EPA agrees that this portion of the draft <i>Guidance</i> can be clarified and shortened as suggested in the comment.	Edits made.
<b>Cross Cutting Themes: Grants Management</b>					
47	We applaud the Agency's efforts to streamline and simplify grants	Association of	Page 24,	Thank you for your comment.	No edits

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	management processes, so that states can more expeditiously and quickly utilize these funds.	State Drinking Water Administrators	Section 5.e		made.
Subobjective 2.1.1 Water Safe to Drink					
48	Under the National Water Program (Subobjective) Specific Guidance for Underground Injection Control, there is an expectation that in 2014 the States are to "Develop complete primacy applications for the Class VI well program and work with EPA to refine and revise their Class VI primacy applications as needed after submission. States will work permit applicants upon obtaining primacy." This activity should be clarified to recognize that there is flexibility for primacy state programs not to apply for Class VI delegation. Additionally, in September 2010, the GWPC adopted resolution 10-2 "Regarding the need. As echoed in that resolution the GWPC recommends that prior to asking for primacy delegation packages from the states, the USEPA undertake a comprehensive study to evaluate the true cost of implementing a UIC program for CO2 geologic sequestration; seek funding from the U.S Congress for the Class VI program at a level commensurate with the findings of the study; and segregate funding for CO2 geologic sequestration from other UIC activities. In that same section of the document regarding UIC Activities for FY 2014 there is an expectation that States will "Ensure that hydraulic fracturing using diesel fuel is authorized under the applicable UIC program." This should be rewritten to clarified that this authorization process is not intended to override State programs which are as or more restrictive that the federal UIC program.	Groundwater Protection Council	N/A	Regarding the hydraulic fracturing using diesel fuels commitment in the guidance, EPA is committed to working collaboratively with state and tribal primacy programs to comply with an existing requirement set forth by Congress in the 2005 Energy Policy Act.	No edits made.
49	In general, the state drinking water programs do not feel that	NEIWPC, on	N/A	The National Water Program is committed to	Edits made



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	the PWSs and DWSRF grant amounts requested in the President’s budget are sufficient to meet the continually growing needs of the program, as is laid out in the guidance. The states request that some acknowledgement of these constraints is included. In negotiating workloads with their regional offices, states and EPA will need to consider the impact of these funding shortfalls.	behalf of the Northeast States		work collaboratively with states and tribes in this period of declining resources to achieve safe and clean water goals.	on page 31.
50	Overarching Comment – State Drinking Water Program Resources and Impact on State Commitments/Performance: State drinking water programs do not feel that the PWSS or DWSRF grant amounts requested in the President’s budget are sufficient to meet the ever-increasing demands of the program, as envisioned in this draft guidance. (We mention the DWSRF, in this context, since up to 31% may be taken in set-asides for certain state program activities.) Some acknowledgement of these constraints is needed and a suggestion that states and Regional offices, in negotiating workloads, should consider the impact of these shortfalls on state resources.	Association of State Drinking Water Administrators	FY 2014 CJ issue	Edits were made to the Introduction: <i>“In drafting this Guidance, OW recognizes that the federal budget is shrinking and that states, tribes, territories, and municipalities may be experiencing budget shortfall due to a slowly recovering economy. In this environment, it is important for EPA to work with partners to focus resources on the highest priorities and find the most efficient path towards achieving clean and safe water goals.”</i>	Edits made on page 3.
51	Integrating Municipal Stormwater and Wastewater Planning. We suggest that the Agency commit to including drinking water utilities in this integrated planning approach in the future. (Agency representatives have indicated a willingness to do so at previous meetings.)	Association of State Drinking Water Administrators	Pages 11 & 45	EPA believes that all financial burdens faced by the community (including costs associated with environmental projects other than those required by the CWA or for SDWA compliance) may be relevant to schedule development under a municipality’s Integrated Plan. EPA is open to considering a Drinking Water Investment Plan to complement the CWA Integrated Plan. We will look to incorporate into future guidances.	No edits made.
52	Consider utilizing state and local government, environmental laboratories and APHL as partners for accomplishing the goals of protecting public health. As government environmental	Assoc. of Public Health Laboratories	Page 25 et seq.	Thank you for your comment. APHL and EPA share a common goal of protecting human health and the environment.	No edits made.

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	laboratories, APHL’s members’ primary focus is to protect the public from harm.				
53	We suggest adding a bullet to include the use of set-asides for source water protection at the end of the list under “DWSRF and Sustainable Water Infrastructure” as follows: “Encourage the use of set-asides for source water protection activities, where appropriate. Effective source water protection has the potential to off-set the need for infrastructure upgrades and additional treatment costs.”	Association of State Drinking Water Administrators	Page 29 (III, B, 1, a, iii)	Thank you for your input. Edits have been made.	Edit made to page 29.
54	We note that water system security is considered one of six “core drinking water program areas that are critical to providing safe drinking water.” We certainly agree. Yet, this critical activity does not receive any dedicated funding from EPA for state programs. We believe that state security grants should be reinstated and would appreciate the Agency’s support for such a request of Congress.	Association of State Drinking Water Administrators	Page 29, Drinking Water Security	Thank you for your input.	No edit made.
55	Edits in bold and red text. UIC Activities for FY 2014 <b>EPA will work in concert with states and tribes to facilitate UIC compliance through a variety of activities, including:</b> • <b>Implementation of the</b> UIC programs for well classes I – V to ensure that injection wells are permitted and operated in a manner that protects USDW from endangerment. (See measures SDW-07 and SDW-08.) • <b>Submission of</b> well-specific data <b>(at a minimum this would include inventory information listed in 40 CFR 144.26(a))</b> for well classes <b>I – V</b> to the UIC National Database. • <b>For state programs seeking primacy for the Class VI well</b>	Groundwater Protection Council	Page 30	EPA is mindful of the challenges facing states and tribes and will work with those parties to define appropriate well specific data.	Edits made to pages 30 and 31.

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	<p><b>program, development of</b> primacy applications for the Class VI well program and work with EPA to refine and revise <b>those</b> applications as needed after submission. States will work <b>with Class VI</b> permit applicants upon obtaining primacy <b>and EPA will work to transition any issued Class VI permits over to the state once primacy has been granted.</b> (See measures SDW-19a and SDW-19b.)</p> <ul style="list-style-type: none"> <li>• <b>Complete a review of existing Guidance and subsequent standards and conduct</b> analyses of aquifer exemption requests to ensure that proposed exempted areas are not current or reasonably expected future sources of drinking water.</li> </ul>				
56	<p>The definition of an injection well is based on the whether the depth of the well is greater than the width. In area's that have shallow water tables, detention ponds can and do intersect the aquifer, behaving effectively like an injection well. Detention pond inspections are weak or frequently lacking, and these can become a significant source for pollutants to not only contaminate a shallow aquifer, but to also contribute to surface water quality issues. Detention or retention ponds in area's with a shallow water table need to be designed and constructed in a way that will address this issue.</p>	Tammie Heazlit, arch environmental Clean Water Group	B1vi, Page 30	Thank you for your input.	No edits made.
57	<p>Typo on 2<sup>nd</sup> bullet in list (should be operator certification)</p>	Association of State Drinking Water Administrator s	Page 32	Typo fixed.	Edits made.
58	<p>The links to where readers should be able to find PWSS and DWSRF state allocations has not been updated since FY 10, yet this guidance points there for information "coming soon" for FY 14. We suggest the referenced web site be updated accordingly.</p>	Association of State Drinking Water Administrator	Pages 32 & 33	Thank you for your comment. EPA will work to update our website accordingly.	No edits made.

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59	<p>Edits in bolded and red text.</p> <ul style="list-style-type: none"> <li>• Populating the UIC National Database by sharing well specific data <b>as resources allow and as outlined above.</b></li> </ul> <p>The grant allotments are determined by the UIC Grant Allocation Model and follow the criteria identified in SDWA Section 1443 which requires UIC allocations to be based on such factors as “population, geographic area, extent of underground injection practices, and other relevant factors.” UIC Grant Guidance #42 provides more detail about the UIC Grant Allocation Model<sup>79</sup>, including how the model works and examples of how the UIC funds may be used.</p>	Groundwater Protection Council	Page 33	EPA is mindful of the challenges facing states and tribes and will work with those parties to define appropriate well specific data.	No edits made.
60	SDWA-04, -05, -01 - These three measures pertain to loan program projects but refer to the DWSRF, in general. We recommending adding “loan program” to each: “...DWSRF loan program projects...”	Association of State Drinking Water Administrators	Appendix A	Thank you for the suggestion. We will broach the suggested clarity edits with OMB.	No edits made.
61	SDW-01B: NTWC recognizes the value of adding the 4-log treatment qualifier to measure SWD-01b. But believes in the current climate of compliance rates in Indian country, it is imperative to insure sanitary surveys quality, and frequencies are a high priority. The sanitary survey is the most useful tool in identifying and helping operators address deficiencies before they become a significant threat to human health. Sanitary surveys are a key component to immediately impact compliance in Indian country while helping to shift the existing paradigm from reactive to proactive and an increased focus on sustainability giving greater value to every dollar invested in water treatment and infrastructure.	Ken Norton, on behalf of the NTWC	Appendix A, Appendix C, Page 18	EPA agrees that sanitary surveys are an important tool for primacy agencies to provide technical and compliance assistance to public water system operators.	No edits made.

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62	Overarching Comment – Appropriateness of Activities & Changes in Measures: In general, we believe the suite of drinking water program activities and initiatives described in the guidance, as well as those drinking water activities that are elements of cross-cutting initiatives are consistent with the thrust and direction of these programs and the ongoing state-EPA partnership. Further, we concur with specific changes to Program Activity Measures in Appendix A and as highlighted in Appendix C.	Association of State Drinking Water Administrators	Appendix A page 1 of 7; and Appendix C 1 of 3.	Thank you for your comment.	No edits made.
63	Appendix A – FY 2014 National Water Program Measures: Measure Number SDW-SP4a related to the population served by community water systems achieving minimized risk to public health through substantial Source Water Protection Program has an FY 2014 planning target of 52%. FY2014 guidance recommends that implementation efforts be conducted to increase the number of community systems and corresponding population served to minimize risk to public health through a Source Water Protection Program. EPA should recognize that Texas’ Source Water Protection Program is a voluntary program for public water systems and TCEQ has no regulatory authority to compel a public water system to implement a Source Water Protection Program.	Texas Commission on Environmental Quality	Appendix A, Page 1.	Thank you for your comment. TCEQ position is fairly common throughout the Nation, however PWSs are tasked to protect public health and SWP can be a valuable supplement to traditional drinking water treatment.	No edits made.
<b>Subobjective 2.1.2 Fish and Shellfish Safe to Eat</b>					
64	Document culturally appropriate fish consumption rates (as “designated” or “existing” uses ) to inform Tribal, EPA and/or State established WQS/criteria	Houlton Band of Maliseet Indians	Page 18 – Second Bullet.	Thank you for this suggestion. EPA guidance already recommends the use of locally-appropriate fish consumption rates where available in establishing water quality criteria. This includes consideration of information about tribes where it is available. For example, EPA is currently assisting in conducting a tribal fish consumption survey in the Pacific Northwest. See EPA guidance at	No edits made.

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				<a href="http://water.epa.gov/scitech/swguidance/standards/criteria/health/methodology/index.cfm">http://water.epa.gov/scitech/swguidance/standards/criteria/health/methodology/index.cfm</a> .	
65	The guidance states that EPA’s approach to making fish and shellfish safer to eat includes reducing air deposition of mercury. Under Fish and Shellfish Activities for FY 2014, for Reduce Air Deposition of Mercury, it states that “On a nationwide basis, by 2010, federal regulatory programs were expected to reduce electric-generating unit emissions of mercury from their 2000 level.” While reductions between 2000 and 2010 are recognized and beneficial, the statement makes no commitment to further advancing reductions of emissions and deposition in FY 2014 and beyond. It is suggested that EPA reference implementation of the Mercury and Air Toxics Standards (MATS) as well as other rules recently promulgated or in development that will reduce mercury emissions and deposition in the future.	NEIWPCC, on behalf of the Northeast States	Section III.B., Page 34	Thank you for your comments. We will make the appropriate references in future guidance documents.	No edits made.
66	Mercury: EPA should consider alternatives (particularly water quality standards produced at the State level), to the 2001 EPA mercury guidance criteria as viable targets for protection of public health.	Texas Commission on Environmental Quality	Page 34	EPA’s 2010 guidance for implementing the 2001 national recommended water quality criterion for methylmercury provides a broad set of alternatives for states to consider. The guidance is available at <a href="http://water.epa.gov/scitech/swguidance/standards/criteria/aqlife/methylmercury/index.cfm">http://water.epa.gov/scitech/swguidance/standards/criteria/aqlife/methylmercury/index.cfm</a> .	No edits made.
<b>Subobjective 2.1.3 Water Safe for Swimming</b>					
67	Under Safe Swimming Activities for FY 2014, one of the activities listed is “Improve Beach Monitoring and Public Notification.” The guidance states that “Another important element of the strategy for improving the safety of recreational waters is improving monitoring of public beaches and notifying the public of unsafe	NEIWPCC, on behalf of the Northeast States	Section III.B., Page 36	Thank you for your comment. We expect that states will determine, based on resources and priorities, whether and to what extent to continue beach monitoring within the context of their broader water quality monitoring	No edits made.

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	conditions.” While the Northeast states agree that improving monitoring of beaches is important, the FY 14 budget includes no funding for state BEACH Act grants to support monitoring. State monitoring funds are already insufficient to meet the states’ needs, so without beach monitoring funds, it will be challenging to make any improvements to monitoring.			programs.	
68	Improve Beach Monitoring and Public Notification – States will not be able to completely replace lost EPA funding due to the EPA recommended elimination of BEACH Act grants in FY14. The loss of funding will result in reduced numbers of beaches a state can monitor, meaning states will choose to monitor beaches that are most likely to be affected by sources of contamination to be most protective of public health. The water quality data set from this limited set of beaches will give the perception that all beaches within the state are compromised, which could negatively affect the tourism industry in the state. Does the measure need to be adjusted to reflect the anticipated change in funding?	Association of Clean Water Administrators	Section III- B-3, Page 36 & Appendix A, SS-2	Most states will use their FY 2012 grants to monitor during the 2013 beach season, which will be reported in FY 2014. Elimination of the FY 2014 grants will mean no monitoring in 2015 and no reporting in 2016, at which time the measure will likely be deleted.	No edits made.
69	Water Safe for Swimming: EPA has committed in this section to working with states to resolve longstanding issues associated with sanitary sewer overflows and bypasses at treatment plants. TCEQ has attempted to work with EPA Region 6 for multiple years on several permits in which EPA has objected to TPDES permits which authorize wet weather blending and other wet weather management activities. TCEQ strongly suggests that EPA conclude efforts to issue a national blending policy.	Texas Commission on Environmental Quality	Page 36	EPA believes that SSO and peak flow/blending issues in many cases can be addressed in the context of Integrated Municipal Stormwater and Wastewater Planning.	No edits made.
<b>Subobjective 2.2.1 Improve Water Quality on a Watershed Basis</b>					
70	The term "Nation’s fresh waters" appears within the main text document but without a clear definition. The GWPC suggests that a definition which includes a recognition of groundwater be included in the text narrative of the guidance, especially in the discussions on nutrients, TMDLs and the §319 Nonpoint Source	Groundwater Protection Council	N/A	Edit made to clarify that groundwater activities may be funded under §319.	Edit made to clarify that groundwater activities may be funded

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	Program. This recognition could be similar to the way groundwater is discussed in Appendix D §106 program guidance.				under §319.
71	<p>The final 2014 guidance for the §319 program, which is referenced in the main text, contains clear references to protection of groundwater resources. We recommend that groundwater be included in the main text discussion on TMDLs for the user who may not be familiar with the role groundwater plays in the hydraulic cycle and in the holistic restoration of watersheds. The GWPC points out that this lack of recognition in the priority for restoration of watersheds and addressing nutrients in some hydrogeologic settings appears to be a shortsighted. Many state TMDLs do not include the base flow nutrient loads from groundwater discharges to the watershed because these loads are viewed as either already moving through the subsurface hydrologic system, will take a long time to address, or are too difficult to address. The funding priority for impaired watersheds, where TMDLs have not evaluated if groundwater discharges are part of the loading problem, may not be implementing BMPs which will provide for a long term solution. We suggest that addressing the low-level background load from groundwater discharges can be especially important for addressing nutrients in surface waters and protecting groundwater sources of drinking water.</p> <p>In addition, the GWPC believes that without a comprehensive and holistic approach, groundwater projects that could contribute to the overall health and water quality in an impaired watershed may be underfunded or ignored. In addition, there is significant cost effectiveness in the prevention of contamination. Many §319 funded prevention projects can coordinate well with source water protection efforts and some NRCS programs, resulting in an</p>	Groundwater Protection Council	N/A	Thank you for the comment. Programs such as TMDLs recognize that groundwater may be an important factor in characterizing nutrient pollution.	No edits made.



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	additional water quality benefit for public health from all programs.				
72	As part of the guidance, USEPA has formalized its commitment to integrated planning approaches for municipal wastewater and stormwater management. The GWPC points out that while this integration of programs will be protective of surface water quality, the document needs to clarify that this integration also needs to be protective of groundwater quality. There should be a common purpose for protecting drinking water sources under both the Clean Water Act and the Safe Drinking Water Act. If stormwater is redirected to groundwater for either disposal or shallow recharge, we need to ensure that the two acts are not implemented at cross purposes and ensure that the discharge of stormwater runoff to groundwater is protective of groundwater quality.	Groundwater Protection Council	N/A	EPA believes that through the integrated planning framework many communities will use green infrastructure practices to retain stormwater, thereby reducing the volume of stormwater that enters sewer systems. The Agency supports the use of these practices to limit sewer overflows and reduce the discharge of pollutants to receiving streams. Many green infrastructure practices involve capturing the rain water and infiltrating the water back into the soil in a manner similar to what existed prior to development. While these practices have the benefit of recharging our underground sources of drinking water, they could affect the quality of our ground water supplies if the practices are not properly designed and operated. Because of this, the Agency consistently identifies situations, such as site constraints or the presence of contaminants that are not retained by plants or the soil column, that should preclude using stormwater infiltration practices. EPA believes that green infrastructure practices can be used as a tool to protect all of our water resources.	
73	Support for Mercury TMDLs. As outlined on page 34, ECOS supports OW's efforts to reduce mercury pollution, and to make fish and shellfish safer to eat, including support for state and regional development of Total Maximum Daily Loads (TMDLs) for	Environmental Council of the States	Page 34	Thank you for your comment supporting EPA's efforts to reduce mercury pollution. OW will continue to work with states as they develop TMDLs for mercury-impaired waters.	No edits made.

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	mercury. See ECOS Resolution 03-7 revised in August 2012, "The Need for Actions to Achieve Further Progress on Reducing Impacts to Water Quality from Atmospheric Mercury."				
74	<p>Implement Core Clean Water Programs to Protect All Waters Nationwide: One of the objectives under this section is to Strengthen the NPDES permit program. The State of Michigan enacted the part 91 SESC rules prior to the implementation of the Federal Stormwater Program. These rules were enacted in 1972/1977. The State of Michigan received a variance from the federal program to continue using the Part 91 rules. These rules do not meet the standard of the federal SESC program and are not comparable in any way. They are completely inadequate and out of date and must be modernized and raised to the level of the Federal Program, especially in the light of the recently released national streams and rivers assessment that evidenced that sediment is consistently a problem across the country.</p> <p>In addition to this, the Phase II MS4 program staff has advised MS4 stakeholders in a stake holder meeting in the fall of 2012, that they are not responsible to conduct SESC inspections unless someone reports a problem. There are problems everywhere, but the general citizenry is not educated or informed in this area to either understand the associated problems, or how/where to report problems that they identify. On top of this, local Part 91 agents do not vigorously follow up on reported violations or require improvements of site management to reduce or eliminate discharges. There is no accountability.</p> <p>Phase I communities (counties) do not have pollution prevention/good housekeeping programs that are specific to their operations that extend to public areas such as parks. Construction projects in parks should be a demonstration of the best possible</p>	Tammie Heazlit, arch environmental Clean Water Group	C1a, Page 37	<p>EPA's Region 5 Office conducted a legal authority review of the State of Michigan's NPDES program in 2006 and no storm water issues were raised as a result of that review. Region 5 will continue to provide oversight and assistance to states, including Michigan. Oversight will include reviewing selected draft NPDES permits for consistency with Federal law. A coalition of MS4s successfully challenged MDEQ's 2008 MS4 general permits. As a result, MDEQ withdrew those permits and has decided to issue individual permits to each MS4. The application process includes review and approval of the storm water management plan for each MS4. Region 5 believes this process will result in strong permits which are tailored to the specific watershed conditions and provide accountability by the MS4 operators. Complaints regarding unpermitted discharges or violations of permit conditions should be directed to Barbara VanTil, Chief, Section 1, Water Enforcement and Compliance Assurance Branch at (312) 886-3164 or by email (<a href="mailto:vantil.barbara@epa.gov">vantil.barbara@epa.gov</a>).</p> <p>EPA welcomes the opportunity to discuss your</p>	No edits made.

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	<p>practices and can be used as an outreach and educational tool  Projects should also be planned in a way that decreases impact rather than increases it, especially in areas such as headwaters. Currently, the Phase II program in Michigan is fractured and there is poor communication between the units. There are permit writers who seem to need to confer with enforcement to verify if something is considered compliance. There have been many gross violations that include significant releases, where no NOV was issued and no follow up action initiated. This relates back to the environmental justice comments; There needs to be a method of follow up and accountability for noted violations and significant discharges.</p> <p>As the Phase II program is currently being implemented and administered in the State of Michigan, it is largely a pencil pushing operation. There are some great watershed programs, but they do not reach more than 1% of the population and they are unequally distributed. Some programs have minimal funding. There are no measurable outcomes. There are no real target audiences. There is no real availability for public participation. In a recent incident in my home town, citizens requested to form a stormwater committee to discuss ordinances and standards so that a meaningful program could be created. The city, the consultant and the State denied this request. Without compliance reporting or enforcement action, there is no motivation for MS4s to do anything meaningful. Filling out forms is not meaningful. Accounting tricks are not meaningful. If the EPA is serious about cleaning up the nations waters, the States too need to be held to a higher standard, there needs to be more accountability, and more adherences to the federal program guidelines.</p> <p>The State needs to be more assertive in what they require, and in</p>			<p>comments during a conference call. Please contact Brian Bell at (312) 886-0981 or by email at <a href="mailto:bell.brianc@epa.gov">bell.brianc@epa.gov</a> to arrange a mutually agreeable time.</p>	

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	<p>taking compliance action.</p> <p>Attempts to have overtly obvious issues addressed by the regional office have been futile. There should be an ombudsman in the regional offices available to coordinate complaints leading to workable solutions.</p> <p>Currently, the state allows individuals to obtain a certification as an industrial stormwater operator, and that is considered adequate to manage MS4 programs. This is typically attained by someone who has a different focus in their job and or training, and Stormwater management is reduced down to only GH and PP. There should be requirements for certification to be based on appropriate education and experience and certain combinations of these. Without an understanding of the science and/or engineering behind stormwater management, good management decisions based on science and engineering principals, will not be made.</p> <p>Finally, the Road Commissions are quite powerful entities. They are a country department in the State of Michigan. The Oakland County Road Commission is one of the worst when it comes to using appropriate (if any) SESC. When speaking to the part 91 agency (the Oakland County SESC Inspectors) they laugh and say “good luck with that”. Road Commissions are very powerful in the State of Michigan, and they have political connections. Even speaking with State Level enforcement people, they voiced “off the record” that they have to be extremely cautious in trying to address this, due to potential for retaliation through cutting of funding to programs, due to the political connections. I’m certain this is not an isolated incident either in this state or nationwide. SOMEHOW, this ability to retaliate needs to be addressed.</p>				
75	We recommend that the Agency include a specific reference in the	Association of	Page 37,	EPA has made the suggested changes to the	Edits made.

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	<p>beginning of this section (Implement Core Clean Water Programs...) to reflect the activities being undertaken through the CWA-SDWA Collaboration Initiative. This could be done by making the following changes:</p> <ul style="list-style-type: none"> <li>• Adding a bullet to the end of the list after “Support for sustainable wastewater infrastructure;”</li> <li>• “Support drinking water protection, through a variety of means, including the CWA-SDWA Collaboration Initiative.”</li> <li>• Adding text at the end of the next paragraph as follows</li> <li>• “As part of this process, EPA will continue efforts to integrate across programs, media and federal agencies to more effectively support efforts to protect and restore waters, <u>including drinking water sources, as envisioned in the CWA-SDWA Collaboration Initiative.</u>”</li> <li>• Providing a cross-reference on page 37 to the following text on page 11:</li> <li>• “Take collaborative actions that integrate CWA and SDWA source water protection activities...” (Section II, C, under Protecting Water Supplies).</li> </ul>	State Drinking Water Administrator s	(III, C, 1, a)	text.	
76	<p>These measures focus solely on new or revised water quality criteria. We think it is important to recognize that many states have existing satisfactory and effective criteria that are not in need of revision. Therefore the number of EPA approvals of new or revised criteria is not the only measure of state performance in meeting water quality standards.</p>	Association of Clean Water Administrator s	Section III-C-1-a-i, Page 38-39 & Appendix A, WQ-03a, WQ-04a	<p>EPA agrees that states may not always need to revise criteria to reflect new data. Measure 3a already includes a provision to credit a state that has completed a review of the new scientific information EPA has issued and has determined that no changes are needed to their existing water quality criteria.</p> <p>Measure 4a is a measure of the “approvability” of state water quality standards revisions submitted to EPA. If no revisions are needed, the measure does not</p>	No edits made.

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				apply. See the measure definitions at <a href="http://water.epa.gov/resource_performance/planning/FY-2013-NWPG-Measure-Definitions-Water-Quality.cfm">http://water.epa.gov/resource_performance/planning/FY-2013-NWPG-Measure-Definitions-Water-Quality.cfm</a> .	
77	Water Quality Standards: The TCEQ request the EPA consider revising the guidance to encourage streamlining EPA review and approval of state water quality standards revisions. The current review and approval process still requires several years.	Texas Commission on Environmental Quality	Page 38	EPA continually monitors the timeliness of its state standards reviews and any backlogs that may arise, and takes actions where needed, as part of its internal management controls. EPA encourages states and authorized tribes to coordinate with EPA in advance of formal submissions to help minimize delays in EPA reviews.	No edits made.
78	<p>ACWA remains concerned that EPA is measuring numeric nutrient criteria for N and P and for “all waters within the state.” This measure should be revised to allow states to receive credit for all NNC efforts, i.e., if the criteria cover a subset of waters within the state or are for N or P. This more iterative approach is consistent with the March 2011 Stoner Framework. We also believe states will exceed the goal in WQ-26. ACWA’s recent survey of state nutrient reduction frameworks shows activity in almost every state.</p> <p>ACWA appreciates the Administration’s request for an additional \$15 million in CWA Section 106 funds. 106 funds are used by states/interstates to “operate” the CWA’s many programs – from enforcement and compliance, to permitting, inspections, and on the ground CWA implementation. Any increase in 106 funding is essential, given the growth in the number of CWA programs states must administer (see comment on resource gap issues, above). EPA ties the proposed increase to nutrient reduction efforts. We</p>	Association of Clean Water Administrators <sup>s</sup>	Section III-C-1-a-i, Page 38-39 & Appendix A, WQ-01a, WQ-26	<p>EPA agrees that adopting NNC other than N and P can help protect designated uses, and has approved and will continue to approve such criteria where they comply with EPA’s regulations. For this reason, states may receive partial credit under Measure WQ-26 for developing criteria for response variables such as chlorophyll-a. EPA continues to emphasize Measure WQ-01a to track adoptions of criteria for N and P because of their importance in regulating loadings that cause eutrophication and in response to recommendations from the EPA Inspector General.</p> <p>EPA acknowledges the commenters’ views on the scope of the section 106 increment</p>	No edits made.

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	<p>strongly believe that EPA instead should allow states to direct 106 increases to the “top water quality challenge” in the state/interstate – in many cases this will be nutrients, but in some places the top challenge could be in a non-nutrient area (e.g., temperature, metals, salinity).</p> <p>Given that the FY14 President’s Budget requests \$15M of Section 106 grants “to supports states, interstate agencies and tribes that commit to strengthening their nutrient management efforts consistent with EPA Water Program guidance issued in March 2011, including the development of numeric nutrient criteria,” how will EPA allocate these funds—as a separate formula or in the 106 lump sum to states?</p>			<p>included in the Administration’s budget for FY 2014. Although this budget is now finalized, EPA will consider the commenters’ concerns in developing future budgets. The Nutrient Initiative supported in the budget through the Section 106 program provides funds to states and tribes to conduct a range of activities outlined in the March 2011 Nutrient Framework guidance that support the goal of nutrient reduction. The Initiative also works in conjunction with the ongoing USDA and section 319 activities. While the majority of Section 106 funds are used by states and tribes to address priority CWA implementation activities, the Nutrient Initiative funds were requested to accelerate the development of state strategies to reduce nutrient pollution. The “Framework” also gives states and tribes the flexibility to target nutrient reduction activities. If funded, EPA will determine the most effective approach to allotting the Nutrient Initiative funds - through the Section 106 formula or using the alternative allotment formula (40 CFR Part 35.162(d)). The alternate formula is used when the appropriation process indicates the funds should be used for a specific water pollution control element. EPA will consult with states and tribes before the alternative formula is developed.</p>	
79	Under the Section 106 Guidance for Water Quality Standards, it	NEIWPC, on	Section	EPA agrees that approaches other than NNC	No edits

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	<p>states “As part of the framework, EPA continues to place a high priority on states adopting numeric WQS for total nitrogen and total phosphorus that apply to all waters in each of three waterbody types – lakes and reservoirs, rivers and streams, and estuaries – to help reduce or prevent eutrophication and other problems in those waters.” As mentioned in the previous comment, states agree that nutrient reduction is a high priority and are implementing actions to reduce nutrients, but do not necessarily feel that adoption of numeric nutrient criteria is the most appropriate strategy for achieving this goal. Furthermore, the states do not feel that there is scientific evidence to support the need for criteria for both pollutants for all waterbody types.</p>	<p>behalf of the Northeast States</p>	<p>III. C., Page 39</p>	<p>adoption such as those identified in the March 2011 Framework can be important steps in reducing nutrients. Measure WQ-26 was established to track progress on these other types of actions as well as NNC adoption.</p> <p>With regard to the last comment, given the dynamic nature of aquatic systems and the need to protect downstream waters, the weight of the scientific evidence supports the development of nutrient criteria for both N and P. For a more complete discussion of this issue, see EPA’s recent guidance at <a href="http://www2.epa.gov/nutrient-policy-data/preventing-eutrophication-scientific-support-dual-nutrient-criteria">http://www2.epa.gov/nutrient-policy-data/preventing-eutrophication-scientific-support-dual-nutrient-criteria</a>. In waters where a nutrient-related impairment has already been identified, focus on a single nutrient may be warranted to restore designated uses. Limited credit for N- or P-only criteria adoptions may also be available. See the measure definition at <a href="http://water.epa.gov/resource_performance/planning/FY-2013-NWPG-Measure-Definitions-Water-Quality.cfm">http://water.epa.gov/resource_performance/planning/FY-2013-NWPG-Measure-Definitions-Water-Quality.cfm</a>.</p>	<p>made.</p>
<p>80</p>	<p>Consider utilizing state and local government, environmental laboratories for conducting water quality assessments and reporting reliable water quality data. As OW searches for qualified partners at the state level, APHL can be a conduit to those opportunities.</p>	<p>Assoc. of Public Health Laboratories</p>	<p>Page 40, et seq. Page 50 et</p>	<p>Thank you for your comment and suggestion. EPA strongly supports the use of state and local laboratories for implementation of water quality assessments. The National Aquatic Resource Surveys, an EPA, state, and tribal</p>	<p>No edits made.</p>



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			seq.	partnership, encourages states to conduct lab work for the surveys and works closely with them to meet national detection limits and other quality assurance requirements.	
81	Improve Water Quality Monitoring and Assessment TCEQ continues to support streamlining the 303(d) list and 305(b) reports thereby reducing the reporting burden to the states.	Texas Commission on Environmental Quality	Page 40	Thank you for the comment. EPA and states have recently completed a report on how best to address the IR reporting efforts by states. The report will be available soon at: <a href="http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/index.cfm">http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/index.cfm</a> .	No edits made.
82	Improve Water Quality Monitoring and Assessment The probabilistic surveys are extremely time- and resource intensive for states to conduct. Given the states' limited resources the TCEQ requests EPA add a commitment to coordinate with states to improve the efficiency of "statistical surveys". The goal of this coordination should be to better resolve and combine states' routine long-term water body assessments with broad statistical surveys.	Texas Commission on Environmental Quality	Page 40	Statistical surveys, such as state-scale assessments or the National Aquatic Resource Surveys, are specifically designed to allow states and EPA to make assessments of the entire population of waters (e.g., all rivers/streams, all lakes greater than one hectare, etc.) by sampling a small number of sites. This information is particularly useful in documenting overarching patterns and changes over time in water quality. EPA agrees with Texas that statistical surveys do not replace long-term monitoring or targeted, site specific monitoring for identifying specific local problems and the causes/sources within the watershed that must be addressed. Similarly, targeted sampling at selected location does not replace the important information provided by statistical surveys. EPA is committed to working with states to improve the implementation of	No edits made.

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				statistical surveys and to leverage the information about our waters that different types of monitoring bring to the table.	
83	We support EPA’s thoughtful approach to TMDLs through the development of the 10-year vision statement.	Association of Clean Water Administrators	Section III-C-1-a-iii, Page 42	Thank you for your comment.	No edits made.
84	<p>Implement TMDLs and Other Watershed Related Plans</p> <p>The guidance states EPA will track the degree to which states develop TMDLs, or take other appropriate actions, to ensure the national policy of TMDL development of a TMDL within 8-13 years of listing is met (WQ-08).</p> <p>The EPA should revise the guidance to de-emphasize the pace of WQ-08 and consider, with states input, metrics that reflect progress towards water quality improvements. States have limited resources and many of the remaining impaired water bodies have complex issues which require time and other resources to reach resolution. In addition, sustainable water quality improvement requires the partnership and long term participation of the stakeholders in the affected watershed. It takes time and resources to build this participation and to sustain the effort. Appropriate metrics for measuring progress could include:</p> <ul style="list-style-type: none"> <li>-requirements consistent with the TMDL adopted in the state’s Water Quality Management Plan for inclusion in future permit actions;</li> <li>- the number of TMDL watersheds with active Implementation Plans or Watershed Protection Plans.</li> </ul>	Texas Commission on Environmental Quality	Page 42	As part of the 303(d) Listing and TMDL Program 10-year vision that is being coordinated with states, EPA is working with states to evaluate the current measures to determine if there are better measures to measure the success of the program because we recognize pace doesn’t communicate the complexity of the issues addressed. It is anticipated that any new measure would be ready for public comment in the FY 2015 <i>Guidance</i> .	No edits made.
85	Implement TMDLs and Other Watershed Related Plans	Texas	Page 42	EPA acknowledges that it can be challenging to	No edits

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	EPA discusses translation of TMDL Waste Load Allocations (WLAs) into NPDES stormwater permits along with innovative approaches such as impervious cover surrogate TMDLs. TCEQ has significant concerns in disaggregating WLAs into individual stormwater permits and does not support this approach by EPA.	Commission on Environmental Quality		translate some WLAs into specific permit conditions, especially where the allocation is not already disaggregated for individual sources or source categories. EPA is finding that some state permitting authorities are already implementing creative approaches in their MS4 permits to establish requirements that are consistent with the "requirements and assumptions" of applicable TMDLs. EPA is in the process of collecting and cataloging these approaches in order to demonstrate how they may be used by other states. Some specific examples include the San Francisco Bay Region MS4 Permit, the Washington, DC Phase I MS4 Permit, the Western Washington Phase II MS4 Permit, Pennsylvania's Phase II MS4, Wisconsin's Phase II MS4 permit, and Montgomery County, Maryland's Phase I MS4 permit, among others. EPA does think disaggregating WLAs is a viable approach, but not the only approach to this problem as we will document as part of the effort described above.	made.
86	Strengthen the NPDES Permit Program. In this discussion EPA refers to a rule to replace paper with electronic in order to automate compliance evaluations improve transparency. TCEQ recommends that states continue to be included in any discussion and EPA should evaluate the needs vs. any additional cost and burden imposed by the processes. Any requirements with additional costs should be fully funded by EPA.	Texas Commission on Environmental Quality	Page 43	EPA is committed to continuing its outreach and collaboration with authorized state NPDES programs. In 2012 EPA held webinars with states, industry and environmental groups and attended many national meetings sharing as much as we could about the concepts of the proposed Rule. These activities reached over	No edits made.

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				<p>1,000 entities. In particular, EPA met with associations supporting regulators, such as Environmental Council of States, Association of Clean Water Agencies, Exchange Network, and the Local Government Environmental Assistance Network. All of these activities will be continued and expanded in 2013 and 2014.</p> <p>EPA has also carefully balanced the need for electronic reporting against the initial implementation costs for authorized state NPDES programs. EPA's solicits comment on the proposed implementation plan and the associated costs and benefits. EPA plans to continue to provide grants, funding, and technical support to states to assist with the implementation pending availability of resources.</p>	
87	Strengthen the NPDES Permit Program. EPA indicates that regions will begin review on Memoranda of Agreement (MOAs) as part of an integrated review process. TCEQ has concerns related to resource impacts that may result from modifications of the MOA between EPA and TCEQ and feels the current MOA as developed should remain unchanged.	Texas Commission on Environmental Quality	Page 43	EPA is reviewing the NPDES state program authorization MOAs following an EPA Inspector General report finding that many such agreements are outdated. After that review, EPA will engage the states in discussions on the resolution of any issues identified during the review. EPA does not expect that all MOAs will be revised.	No edits made.
88	E-Reporting Rule - States & EPA should only be collecting information that is absolutely needed to manage the programs.	Association of Clean Water Administrator	Section III-C-1-a-iv, p.43	The draft proposed NPDES Electronic Reporting Rule does not change the amount or type of data that is currently required to be	No edits made.

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		s		submitted by permittees under existing regulations. The proposed rule changes the means by which the information is provided to EPA or to the authorized program, requiring electronic reporting rather than existing hard-copy reporting from the NPDES-regulated facilities. The proposed rule also identifies the information that NPDES-authorized programs and EPA need to share electronically. This information would be submitted to EPA in a nationally-consistent manner [i.e., using national data standards, in a format fully compatible with the NPDES national data system (ICIS-NPDES currently), and using consistent units of measure]. Better availability and consistency of NPDES information through electronic reporting will enhance the usefulness of this data for a variety of purposes.	
89	PQR/SRF - Integrating PQR into the SRF process has been a challenge - not much efficiency has been realized. EPA should continue to look for ways to streamline the state review framework without undercutting the ability to fully represent the programs.	Association of Clean Water Administrator s	Section III-C-1-a-iv, p.43	EPA has been working to revise the Integrated PQR-SRF process to gain efficiency based on feedback received from the initial reviews conducted under this framework.	No edits made.
90	NPDES MOA - States remain concerned that the Agency is pushing for more prescriptive NPDES MOAs than is necessary. EPA HQ needs to closely monitor individual state feedback.	Association of Clean Water Administrator s	Section III-C-1-a-iv, p.43	EPA is not pushing for more prescriptive MOAs than is necessary. EPA’s review will identify elements of the MOA that do not meet the minimum regulatory requirements. In some instances, the MOA review will identify issues that can be addressed in either the MOA or in	No edits made.

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				other program documents, such as EPA/State agreements, grant workplans, or a supplemental Attorney General statement. EPA does not expect that all MOAs will be revised. EPA headquarters will be involved in individual state reviews and will monitor feedback.	
91	<p>With respect to integrated wastewater and stormwater planning (IP), we are generally supportive of this effort, but also recognize it has resource implications (such as contributing to permit backlog). States should be recognized for the extra resources required to implement integrated planning (IP). Some states have significantly reduced their permit backlogs in recent years. Timely reissuance of permits is of paramount importance. IP may result in additional time needed to review and prepare permits, with specially-tailored compliance schedules or accompanying administrative orders. ACWA supports IP as a valuable tool for some states to use with utilities and communities. However, we strongly encourage EPA to develop a mechanism for acknowledging state implementation of IP and the corresponding impact IP permitting may have on traditional permitting activities.</p> <p>States will continue to explore the value of integrated planning. Given the effort going into IP, we suggest an “indicator” be included such as WQ-22a to track progress.</p> <p>This measure (SS-1) does not appear to take into account IP efforts.</p>	Association of Clean Water Administrators	Section III-C-1-a-iv, Page 45  Appendix A, SS-1	EPA does recognize that the Integrated Planning process may create an additional workload on some states. The Agency will continue to work with states on Integrated Planning issues and evaluate appropriate ways to track state implementation of integrated planning. However, the Agency does not believe it is appropriate to develop a new or modify an existing GPRA indicator at this time.	No edits made.
92	High Priority Permits: In FY 2013 EPA revised the selection,	Texas	Page 45	EPA is aware of the many variables affecting	No edits

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	commitment, and results calculation method related to the high priority permits Program Activity Measure (PAM). TCEQ supports the previous methodology where a commitment to issuance of a number of high priority permits is developed rather than the current method where a commitment to issuance of specific permits is required. There are a number of variables which may be encountered during the permitting process beyond the permitting authority's control that effect eventual issuance of permits.	Commission on Environmental Quality		the permitting process. The revised measure continues to allow flexibility with a goal of 80% issuance of the selected priority permits. Like the previous measure, specific permits are selected as priority from the larger candidate list and a commitment is made to issue a percentage of these selected permits. There is not a commitment to issue specific permits within the selected priority list. However, EPA will continue to evaluate this measure as the first year with the revised methodology is completed.	made.
93	Stormwater: EPA is currently undertaking revisions to the national stormwater program via new rulemaking, specifically related to post construction stormwater requirements. TCEQ has participated in conference calls, webinars, and national meetings on this topic. TCEQ is very concerned that this regulation of post construction stormwater exceeds federal authority under the NPDES program and is better addressed through local authorities.	Texas Commission on Environmental Quality	Page 45	EPA has the authority to designate these discharges under Section 402(p)(6) of the Clean Water Act.	No edits made.
94	Current Permits: One of the current Program Activity Measures (PAMs) under the NPDES program is to maintain an overall current permit percentage (e.g. permits that are not currently expired) of 90%. Based on the significant increase in unwarranted EPA objections to both individual and state-wide individual permits, TCEQ is being challenged to meet this PAM. TCEQ encourages EPA to work with states on programmatic issues rather to receive objections on an individual permit basis.	Texas Commission on Environmental Quality	Page 45	Even though the TCEQ is the primary authority in the issuance of TPDES permits, EPA maintains an oversight role to ensure that NPDES permits issued by the state are consistent with the requirements of the Clean Water Act. For several years EPA has collaborated with TCEQ (via correspondences, formal and informal conference calls) to address and resolve pending programmatic issues regarding the requirements of TPDES permits. We support a programmatic	No edits made.

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				approach and continue to work with TCEQ. Even though, unresolved issues have resulted in a backlog of permits that are not reissued, the TCEQ has continually achieved and maintained the national goal of 90% or more of facilities covered by current permits.	
95	Section 106 Grant Guidance to States and Interstate Agencies: Permits, Enforcement, and Compliance: EPA indicates that States should place an emphasis on mandating green infrastructure in all stormwater permits. TCEQ does not concur with EPA’s direction of emphasizing green infrastructure related to stormwater. There are many technologies and management controls available to address pollution associated with stormwater management. Currently EPA has not developed any rulemaking specifically related to green infrastructure and including such provisions in permits should only come after proper stakeholder involvement in the rulemaking process. Note – green infrastructure is discussed in many other sections of this document and TCEQ takes the same position on this issue.	Texas Commission on Environmental Quality	Page 46	We have edited the guidance to say “states should consider incorporating green infrastructure in all stormwater permits.”	Edits made.
96	Section 106 Grant Guidance: EPA indicates that all states need to update their programs to implement the CAFO rule. TCEQ feels that before the CAFO rule can be included in the state rules, agreement regarding the intent of the rule should be reached by the EPA and states.	Texas Commission on Environmental Quality	Page 46	Following EPA’s 2008 revisions to the CAFO NPDES regulations, both environmental and industry groups filed legal petitions for review of the updated regulations. Subsequent court cases as well as settlement agreements arising from the prior litigation have raised a series of issues regarding the NPDES CAFO program. However, this litigation does not pertain to the content of NPDES permits for CAFOs, nor does it relieve EPA or authorized states from	No edits made.



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				responsibilities under the Clean Water Act to issue NPDES permits to those CAFOs that discharge. EPA continues to work closely with states to ensure that NPDES CAFO programs in authorized states are in place and reflect federal program requirements.	
97	Significant Noncompliance (SNC) - At some point in the future EPA needs to update the SNC policy to differentiate between real significant water quality issues and paperwork violations.	Association of Clean Water Administrators	Section III-C-1-a-iv, p.46	Under its 2009 Clean Water Act Action Plan, EPA committed to address the most serious water pollution problems by retooling key permitting and enforcement practices and that work continues. As part of that effort, we will be re-evaluating the SNC criteria. However, it is important to note that one of the foundations of the NPDES permit program is self-reported compliance monitoring results (see 40 CFR §122.44 and §122.48) from permittees. Without this self-reported information, EPA and states would not be able to implement the NPDES program. Monitoring and reporting violations are an important category of NPDES noncompliance. The federal noncompliance reporting regulations at 40 CFR §123.45(a)(2)(ii)(D) define the failure of NPDES majors to submit certain required reports as “Category I noncompliance.” Other less serious reporting violations are “Category II noncompliance” per 40 CFR §123.45(a)(2)(iii)(D) and (E). EPA’s existing NPDES SNC Policy sets enforcement response recommendations for a subset of violations –	No edits made.

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				including monitoring and reporting – based on 40 CFR §123.45(a).	
98	<p>We suggest that a reference be added to highlight the inclusion of source water protection in the new 319 guidelines at the end of the first paragraph as follows:</p> <ul style="list-style-type: none"> <li>• “These revised grant guidelines...with additional consideration of protecting unimpaired waters and drinking water sources.”</li> </ul>	Association of State Drinking Water Administrators	Page 47 (III, C, 1, a, v)	Revisions have been made to the guidance.	Edits made.
99	<p>The CWA Section 319 Program is extremely important and the proposed FY14 funding level is insufficient. ACWA appreciates our work with EPA revising the 319 program guidelines. ACWA urges EPA to work with the states on guideline implementation. To this end, while we recognize these measures have had a major role in evaluating the 319 program, the long-term nature of abating NPS loads creates a need for tracking interim progress. ACWA would be happy in working with EPA on linking these current measures to the long range goals of load reduction expressed in watershed plans and TMDLs to assess progress under the 319 program.</p> <p>Regarding WQ-10 (and the other measures listed here), the nonpoint source success stories are excellent, but some success stories focused on interim progress would be helpful. Additionally, please clarify if the FY14 planning target of 518 waters (listed in Appendix A) is cumulative from years past and, if so, what’s the incremental target for FY14; if not, that’s an extraordinary number of success stories the States will be tasked to generate in a year’s time.</p>	Assoc. of Clean Water Administrators	Section III-C-1-a-v, Page 47 & Appendix A, WQ-09a WQ-09b WQ-09c WQ-10	EPA agrees with ACWA regarding the importance of the Section 319 program. In FY 2014, EPA will continue efforts to implement the new guidelines, including reviewing program measures, and we look forward to working with ACWA and the states. Finally, the WQ-10 planning target of 518 is cumulative—the number is based on the FY 2013 commitment of 468 stories plus 50 new stories to be completed in FY 2014.	No edits made.
100	ACWA notes EPA’s reference that CWSRF funds are available for NPS control. We recommend that this statement be refined to discuss the flexibility that is available in the SRF, but that the decision on how to allocate and leverage CWSRF funds is at the	Association of Clean Water Administrators	Section III-C-1-a-v, Page 47	The sentence “ <i>State CWSRF funds are also available to support efforts to control pollution from NPSs</i> ” will be revised as follows: “States also have the flexibility through their CWSRF	Edits made.

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	state level.			programs to provide funding that supports efforts to control pollution from NPSs.”	
101	Reference to the EPA/State Monitoring Assessment Partnership (MAP) has been removed. We believe this is an important effort and a statement regarding the MAP effort should be reinstated (as it was in the FY13 NWP Guidance).	Association of Clean Water Administrators	Section III-C-1-c, Page 49	Thank you for pointing out that we dropped the reference to the Monitoring Assessment Partnership. It wasn't our intention to remove the reference. Edits have been made to the National Water Program Guidance.	Edits made.
102	Regarding the Statewide Statistical Survey Pilot Measure, we believe it is critical that this measure go through further state review and consideration before finalizing it beyond pilot status.	Association of Clean Water Administrators	Section III-C-1-c, p.50	EPA will work with the EPA/State Monitoring and Assessment Partnership and ACWA's Monitoring, Assessment and Standards workgroup to evaluate this indicator measure.	Edits made to the WQ-SP10.N11 narrative.
103	<p>We understand that changes may be made to WQ-SP10 in the coming year due to a desire to capture waters that have attained WQS but which were not identified in 2002. Given the possible changes should this measure be deferred for FY14? The issue of the 2002 baseline is a point of interest among the States. ACWA looks forward to working with EPA in crafting an appropriate baseline that truly takes into account restored waters that were cited as impaired after 2002 and are now achieving WQS.</p> <p>In addition, after reviewing the Draft Guidance, the Explanation of Changes in Appendix C, and the FY13 Final NPM Guidance, it is unclear exactly what the change is for measures WQ-SP10.N11, -SP11, and -SP12.N11. A further explanation of how the change is reflected in the NPM Guidance itself would be helpful.</p> <p>The utility of this measure (WQ-08a, b—“TMDL Pace”) in tracking progress has become problematic and ACWA looks forward to assisting EPA with developing a new metric that better measures the progress of the TMDL program. We support EPA's efforts to recognize interim measures of progress, recognize actual water</p>	Association of Clean Water Administrators	<p>Appendix A, WQ-SP10.N11 -SP11 -SP12.N11</p> <p>Appendix A, WQ-08a, b</p>	<p>Thank you for your comments. EPA has started reaching out to discuss changes to WQ-SP10.N11. We have revised the narrative to discuss our short-term and long-term plans. We look forward to working with our stakeholders on these revisions.</p> <p>In addition, As part of the 303(d) Listing and TMDL Program 10-year vision that is being coordinated with states, EPA is working with states to evaluate the current measures to determine if there are better measures to measure the success of the program</p>	Edits made.

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	quality results, and move away from the pace of completion.				
104	EPA should allow nutrient criteria to be in other forms and in multiple, weight of evidence combinations using several parameters – rather than strictly as concentrations of total nitrogen and total phosphorus.	Texas Commission on Environmental Quality	Appendix A, Page 3, WQ-01a	EPA agrees that adopting NNC other than N and P can help protect designated uses, and has approved and will continue to approve such criteria where they comply with EPA’s regulations. For this reason, states may receive partial credit under Measure WQ-26 for developing criteria for response variables such as chlorophyll-a. EPA continues to emphasize Measure WQ-01a to track adoptions of criteria for N and P because of their importance in regulating loadings that cause eutrophication and in response to recommendations from the EPA Inspector General.	No edits made.
105	ACWA supports the continued inclusion of WQ-22a as an indicator watershed protection through HWI Strategies. The Healthy Watersheds Initiative is a valuable tool for achieving CWA goals.	Association of Clean Water Administrators	Appendix A, WQ-22a	We appreciate ACWA’s support of the Healthy Watersheds Initiative. We look forward to working with ACWA to protect healthy watersheds under the recently signed MOU between EPA, TNC, and ACWA.	No edits made.
<b>Subobjective 2.2.2 Improve Coastal and Ocean Waters</b>					
106	The EPA did not give the States prior notice before issuing the draft National Rivers and Streams Report and the associated press release. The TCEQ requests that the EPA confer with states, and provide them with advance notification, prior to releasing the national coastal condition and national wetlands condition reports. Advance coordination with the states will allow states sufficient time to prepare for inquiries about the reports. This will help avoid confusion among interested parties regarding the differences in the national probabilistic survey results and the States’ 305(b) and 303(d) Integrated Report results.	Texas Commission on Environmental Quality	Pages 51 and 54	General information on the release of the report was included in the January 2013 NARS quarterly email to states, tribes, EPA staff and other partners (sent by Sarah Lehmann on 1/14/13). At that time, we anticipated that the EPA press office would release the report in February. EPA also discussed the upcoming release of the NRSA report with states on monthly Monitoring and Assessment	No edits made.

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				Partnership calls. Unfortunately, OWOW did not have an exact date for release of the NRSA report until just before the launch was officially scheduled. For future NARS reports, including the National Wetlands Condition Assessment and the National Coastal Condition Assessment, we will enhance our communication with states prior to public release so that states have sufficient time to prepare for inquiries. Our efforts will include sharing draft communication materials and keeping states apprised of the release date and changes to that date as well as sending the desk statement or press release as soon as the report is released for public review.	
<b>Subobjective 2.2.7 The Long Island Sound</b>					
107	In the section regarding Long Island Sound, one of the activities listed for FY 2014 is “The EPA Long Island Sound Office will work with the states of New York and Connecticut to revise and implement the nitrogen TMDL first approved by EPA in April 2001; EPA will continue its efforts to include the upland states of Massachusetts, New Hampshire, and Vermont in this regulatory framework to address their nitrogen contributions from Sound tributaries.” The upland states have been fully engaged in the TMDL revision process for over two years and this should be recognized in the guidance. The Northeast states request that the guidance is revised to say “The EPA Long Island Sound Office will continue to work with the five watershed states (Connecticut, New York, Massachusetts, New Hampshire, and Vermont) to implement the nitrogen TMDL first approved by EPA in April 2001 and develop a revised TMDL.	NEIWPCC, on behalf of the Northeast States	Section III.D., page 62	EPA accepts the comments from NEIWPCC and will make the change specified in the guidance document.	Edits made.

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Subobjective 2.2.12 The Columbia River Basin					
108	<p>CR-SP54 is a fine goal. It would be better if the certain contaminants were identified, perhaps just PCBs and Hg to start with. States question whether there is sufficient baseline data to compare to going forward—there might be, but applying this indicator would take regular monitoring at a fixed suite of stations over the course of many years, something that does not appear to be in place in the region (at least not in Idaho). If fish tissue concentrations are the measure, this becomes more difficult as efforts need to be made to standardize the species and size of fish caught over time.</p> <p>Also, mean concentration may not be the best metric to be looking at to catch a look at all reductions as they occur. EPA should consider looking at other metrics to see expected reductions at different times during and following clean-up—e.g., reduction in upper percentile measures to reflect reductions due to early work and then a longer term average measure to reflect reductions over the longer term. Choice of metric would depend on the chemical and the organisms being used.</p> <p>Additionally, please clarify whether measure CF-SP54 is focused on measuring reductions associated with measure CR-SP53. Is this Columbia River measure focused only on clean-up sites, as indicated by specifying Portland Harbor, and only lower Columbia River work? If so, EPA should specify whether it is looking at reductions only due to site contamination or looking at what might be considered “background” concentrations in measure CR-SP54 . It would likely be easier to meet the measure if looking at effects from site contamination where clean-ups are already in the planning (e.g. Portland Harbor Superfund work), and expect background contaminants for some chemicals (e.g., PCBs) to have</p>	Association of Clean Water Administrators	Section III-D-9, pp.68-69 & Appendix A, CR-SP53 CR-SP54	<p>EPA does identify contaminants that are being measured – we are measuring Chlorpyrifos, Azinphos methyl, and DDT. However, there is limited toxics monitoring data available in the Columbia River Basin to have a baseline and measure reductions over time.</p> <p>Thank you for the comment on considering looking at other metrics. EPA may consider revising this measure in the future. We’ll take your comment into consideration.</p> <p>CR-SP54 is not associated with measuring reductions associated with CR-SP53. CR-SP53 is only focused on clean up of sites in the Lower Columbia River. CR-SP-54 is measuring reductions in the following Columbia River watersheds: Walla Walla, Yamhill and Yakima River at inland sites and not on the Columbia River mainstem.</p> <p>Thank you for your recommendation. EPA will try to work on this. We are hoping that increased partnerships will continue to help achieve toxics reduction in the Columbia River Basin.</p>	No edits made.

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	<p>already shown significant decreases in general “background” levels over the past few decades since the time use restrictions were imposed.</p> <p>ACWA recommends EPA work directly with Region 10 states on this approach and to verify the change to this measure is appropriate.</p>				
<b>Appendix D: Additional Guidance for CWA Sec 106 State and Interstate Grant Recipients</b>					
109	<p>Issue Area: Additional Guidance for CWA Section 106 State and Interstate Grant Recipients: The guidance states that the President’s budget continues to support an additional \$15 million in Section 106 funds for a Nutrient Initiative. It is stated that a separate guidance will be provided for the nutrient initiative funds. On a recent national call regarding the Draft National Water Program Guidance, EPA staff stated that EPA intended to work with the states on determining how to allocate the Nutrient Initiative funds. The Northeast states are very interested in learning more about how these funds will be allocated, working collaboratively with EPA to determine the best process for allocating the funds, and reviewing the guidance for use of these funds. The states request that EPA allow flexibility in how the states utilize these funds, so that they can be used in a manner that meets the greatest needs with the most effective approach.</p>	NEIWPCC, on behalf of the Northeast states	Appendix D, Page 1	<p>EPA thanks the commenter for their interest in working collaboratively on the Nutrient Initiative, if funded. The Nutrient Initiative supported in the budget through the Section 106 program will provide funds to states and tribes to conduct a range of activities outlined in the March 2011 Nutrient Framework guidance that support the goal of nutrient reduction. If the Nutrient Initiative is supported in the FY 2014 appropriation, EPA will develop separate grant guidance on the use of these funds. EPA will also determine the most effective approach to allotting the Nutrient Initiative funds - through the Section 106 formula or using the alternative allotment formula (40 CFR Part 35.162(d)). The alternate formula is used when the appropriation process indicates the funds should be used for a specific water pollution control element. EPA will consult with states and tribes before the alternative formula is developed.</p>	No edits made.
<b>Comments Submitted After Deadline</b>					
110	Urban Waters metric WQ-25a: “Number of urban water	Wisconsin	II.A.2,	Measure WQ-25a tracks the number of urban	No edits

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	projects initiated addressing water quality issues in the community. This metric tracks the number of projects in an “overburdened community”? How is this defined? We do not have a data system that currently tracks this type of information.	Department of Natural Resources, Bureau of Water Quality (WDNR-WQ)	Page 7	water projects initiated addressing water quality issues in the community. EPA will report the number of grants awarded to urban waters communities.	made.
111	Please clarify what states are expected to report on Urban Waters Program accomplishments: just Urban Waters Small Grant program accomplishments for grants awarded in Wisconsin or other urban water initiatives such as green infrastructure, source water protection, watershed planning, water quality monitoring and assessment, beach monitoring and notification?	WDNR-WQ	III.A.2, Page 19	States do not report on measure WQ-25a. This measure is reported by EPA headquarters.	No edits made.
112	Continuing to evolve the nation’s protection/prevention efforts is always important. However, we need to be cognizant of our existing regulations and endeavor not to deter their implementation because of new initiatives. Care needs to be taken in developing this new “Climate Ready Utilities Program” that it does not affect the ability for the states to issue NPDES permits.	WDNR-WQ	III.A.3, page 20	The National Water Program recognizes the need to continue effective operation of core clean water programs as emerging issues, such as variations in hydrologic conditions resulting from a changing climate, are evaluated and response actions are identified and implemented.	No edits made.
113	WDNR Water Quality grant staff attended a 2013 EPA Region V Grant Officials Roundtable on March 12, 2013. No mention of a new State Grant IT Application database was discussed. We are not aware of the release on December 3, 2012 of a database to electronically store workplans and progress reports. We hope this will simply store PDFs of our workplans and reports that we develop. Requiring WDNR to additionally input data into a new database represents unplanned workload and seems in conflict with Executive Order 13610.	WDNR-WQ	III.A.5, page 24	Grants Policy Issuance (GPI) 11-03 <i>State Grant Workplans and Progress Reports</i> , Section 11. Roles and Responsibilities, states that EPA regional program offices (i.e., EPA Project Officers) who negotiate workplans for fourteen categorical grant programs (listed in Section A of the policy) must electronically store workplans and progress reports into the IT Application as described in Section 10.0 of the policy. The policy does not require states to input data into the database, though states	No edits made.



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				will have access to the database.	
114	2012 Recreational Water Quality Criteria (RWQC): WDNR may not be able to update administrative rules on new water quality criteria for pathogen indicators until after 2015.	WDNR-WQ	III.B.3, page 35	We appreciate that developing and adopting new RWQC into state water quality standards might be challenging. We encourage states to work with their EPA regional offices very early in the process to identify and resolve any issues expeditiously.	No edits made.
115	It is unlikely WDNR will be able to revise administrative rules to conform to BEACH ACT requirements for adoption of RWQC into state water quality standards by December 2015.	WDNR-WQ	III.B.3, page 35	We appreciate that developing and adopting new RWQC into state water quality standards might be challenging. We encourage states to work with their EPA regional offices very early in the process to identify and resolve any issues expeditiously.	No edits made.
116	WDNR Water Quality Standards are not currently in EPA's Water Quality Standards Database (WQSDB), but use codes are available for each reach in the WDNR's online mapping tool, the Surface Water Data Viewer. Entering all this information into WQSDB represents an additional workload and seems in conflict with Executive Order 13610. Would thermal criteria also need to be entered into the WQSDB?	WDNR-WQ	III.C.1, page 39	EPA encourages but does not require states to make their water quality standards accessible to the public on the Internet in a systematic format. The use codes in WDNR's online mapping tool are a commendable step in this direction. The WQSDB is available to states and tribes as an additional tool to capture the full range of standards information.	No edits made.
117	Our current Integrated Report does not include the statistical analysis/survey reporting suggested through use of EPA's Statewide Statistical Survey Web Data Entry Tool. Our monitoring supports this type of statistical analysis, but WDNR would need staff to pull the data and run the analysis via the database. This represents an additional workload effort for DNR.	WDNR-WQ	III.C.1, page 40	EPA is interested in assisting states in the analysis of state-wide statistical survey data. The Office of Water and EPA Region 6 partnered to develop a training on this topic. For more information, contact Marla Smith at <a href="mailto:smith.marla@epa.gov">smith.marla@epa.gov</a> .	No edits made.
118	Wisconsin encourages EPA to work with the states most likely to be impacted by this third generation Vessel General permit	WDNR-WQ	III.C.1, page 45	As with the 2013 VGP, EPA intends to engage states in outreach activities, developing	No edits made.

**Office of Water**  
**Summary: Response to Comments**

#	Comment from state, tribe, or other stakeholder	Commenter(s)	Location in Draft Guidance	Office of Water Response	Action Taken in Final Guidance
	prior to its development. In addition, a similar process should be used for the potential development of a Small Vessel General Permit.			implementation strategies, and developing the scientific and technical information needed to develop effluent limits and future permit conditions. In addition, EPA will continue to work closely the States during the CWA 401 certification process for the next VGP and sVGP.	
119	EPA should continue to support the use of state established reporting tools that provide the ability for data transfer to ICIS. States should not be required to shift to NetDMR or NeT. States must continue to evolve their data systems, including proper meta-data, to meet environmental protection and reporting needs. The state encourages EPA to provide funding to the states for evolving states data transfer/reporting abilities.	WDNR-WQ	III.C.1, page 46	EPA intends to work with states, tribes, territories, and third-party software vendors to develop and have in place all of the electronic reporting tools and National Environmental Information Exchange Network protocols required to implement this regulation prior to the effective date of the final rule. EPA is not proposing that NPDES-regulated facilities must use an EPA-developed electronic reporting tool. Rather, EPA is providing the flexibility for facilities to have a range of options including an EPA electronic reporting tool, a tool developed by a state authorized to implement the NPDES program, or potentially tools developed by third-party vendors, if such tools meet the requirements of this proposed rule. EPA is proposing this flexibility because it recognizes that many states, tribes, and territories have their own electronic data systems and reporting tools for managing NPDES data.	No edits made.
120	WDNR is partnering with EPA to develop a HWI watershed ranking tool that will identify all watersheds in Wisconsin on scales of	WDNR-WQ	III.C.1, page 48	Thank you for the comment. We look forward to continuing to work with WDNR on	No edits made.

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#	Comment from state, tribe, or other stakeholder	Commenter(s)	Location in Draft Guidance	Office of Water Response	Action Taken in Final Guidance
	<p>“health” and of “vulnerability”, largely based on modeled data. Once completed, this tool will represent WDNR’s Health Watershed Initiative tracking system.</p>			<p>implementing the HWI in Wisconsin.</p>	
121	<p>EPA is considering establishing a rolling baseline for Section 303(d) impaired waters. The current EPA baselines references the 1998/2002 listings and WDNR refers to the 1998 list. Changing the baseline would reference a different number of waters, but it unclear what benefit that would serve. It may be useful for states to report both the number of waters that have been added/delisted since their first list (1998), as well as the number of waters added/delisted since the last reporting cycle.</p>	WDNR-WQ	III.C.1, page 49	<p>Thank you for your comment. The EPA will take your comment into consideration as we work with you and our other state partners to develop a long-term solution for reporting environmental progress.</p>	No edits made.
122	<p>EPA has proposed to ask states to provide data on statewide survey results in EPA’s ATTAINS Statewide Statistical Survey Web Data Entry Tool as part of their FY 2014 Integrated Report. With the exception of the Long Term Trend sites, WDNR does not typically go back to the same sites to evaluate them over time, unless a project proposal is submitted to do additional monitoring over time – for instance, post-BMP monitoring. It is unclear whether this item is suggesting that states report trends on individual waterbodies that are improving or declining, or if it is asking that states report trends on the total number of waters that were monitored in the state (e.g. in 2012 there may have been 30% poor; 30% fair, 30% good, 10% excellent), but these % would differ on an annual basis because a different suite of waterbodies are monitored each year. This type of reporting would not capture the statistical decrease in mean water quality, the % of waters in good condition is increasing or remaining constant, etc.</p>	WDNR-WQ	III.C.1, page 50	<p>With each statewide statistical survey representing the population of waters across the state, repeated surveys at different, but statistically representative, sites can show changes in conditions across the population of state waters. EPA is asking states to report each successive survey and track changes at a statewide level in the percent good, fair, poor and in the mean for the population.</p>	No edits made.