REGION 8 GUIDANCE FOR WATER PROGRAMS
FISCAL YEAR 2012

The *National Water Program Guidance* describes, in general terms, the work that needs to be done in FY 2012 to reach the public health and water quality goals that are proposed in the EPA *2011-2015 Strategic Plan*. The ***Office of Water National Program Guidance for FY 12*** is posted on the internet at http://www.epa.gov/planandbudget/ and it reflects the priorities of the EPA Administrator and the EPA Strategic Plan 2011-2015 as well as, the two Office of Water themes: Sustainable Communities and Healthy Watersheds.

In a letter to the States, dated December 20, 2010, the Directors of the four EPA water programs (Water Program, Water Technical Enforcement Program, Ecosystems Protection Program and Montana Office) made a commitment to focus more holistically on water issues and priorities within each state. EPA and each state are holding ongoing discussions to identify water program priorities individual to that state and determine how the Region and the state can work together to focus on those priorities.

As in past years, this *Region 8 Guidance for Water Programs* and the *Office of Water National Program Guidance* serves as the kick-off for EPA and State partners to begin discussion for Performance Partnership Agreements (PPAs) and grant work plans to be implemented in Federal Fiscal year 2012. This *Region 8 Guidance for Water Programs* covers areas of emphasis, including measures, from the national program guidance, but it does not detract from the ongoing State-EPA conversations on priorities. Our conversations are meant to find a common ground on our highest priorities which will be reflected in the final grant work plans/PPA, and ultimately lead to greater environmental improvements.

Of final note is the EPA Administrator's priority to fully implement data reporting using the exchange network for the Agency's priority national systems and to terminate past data reporting practices by the end of 2012. To learn more about the exchange network and water program databases, please see http://www.exchangenetwork.net/exchanges/water/index.htm.

Goal 2: Protecting America's Waters

Objective 2.1: Protect Public Health

Sub-Objective 2.1.1: Water Safe to Drink

Drinking Water Program

The following are the PWSS expectations that will be reviewed during FY 12. The expectations reflect the basic requirements for State PWSS programs to be noted in each PPA.

Maintain Core Program: The State agency must maintain and implement the core program as required by federal and State statutes and rules and as reflected in program delegations and other formal agreements. The primary reference defining the core program is 40 CFR Part 142 Subpart B. Public health will be best protected if the State uses multiple barriers to protect drinking water and water systems. In addition to the requirements in Parts 141 and142, States are expected to have a balanced and integrated program that includes other SDWA programs such as implementation of the DWSRF (not covered by the PPA) and source water protection (covered elsewhere in the regional guidance).

Objective	**Explanation**	**Expectations for State**
Strategic Target SDW-211: Percent of the population served by community water systems that receive drinking water that meets all applicable health-based drinking water standards through approaches including effective treatment and source water protection.	FY12 National Target = 91% FY12 Regional Target = 91%	Each State must provide written commitment in the PPA to the measures at the regional FY12 targets of the national measures. The State agency must maintain its data in the national database, SDWIS/FED. This includes timely data entry and quality assurance and data validation
Strategic Target SDW-SP1.N11: Percent of community water systems that meets all applicable health-based standards, through approaches that include effective treatment and source water protection.	FY12 National Target = 90% FY12 Regional Target = 90%	
Strategic Target SDW-SP2: Percent of "person months" (i.e., all persons served by community water systems times 12 months) during which community water systems provide drinking water that meets all applicable health-based drinking water standards.	FY12 Target = 95% FY12 Regional Target = 95%	
SDW-1a: Percent of community water systems (CWSs) that have undergone a sanitary survey within the past three years (five years for outstanding performers) as required under the Interim enhanced and Long-Term 1 Surface Water Treatment Rules.	FY12 Target for Delegated States = 90%	
Arsenic, Lead and Copper		States will provide special interest arsenic and lead and copper information as periodically requested by the region on behalf of Headquarters.
Sanitary Surveys	States as a condition of Primacy are required conduct Sanitary Surveys on Subpart H Systems (40 CFR 142.16(b)(3)) and to provide EPA with an annual evaluation of it's program to conduct these Sanitary Surveys. (40 CFR 142.15.(c)(5)	States must commit to providing the Subpart H System Sanitary Survey Annual Evaluations the Region 8 Drinking Water Program by February 15th each year for the prior year.

Objective	**Explanation**	**Expectations for State**
Each State is expected to have a data management system capable of supporting its day-to-day activities and fulfilling federal reporting requirements.	All partners will need to report data in XML format through the Exchange Network. Partners currently reporting data to EPA using the legacy Central Data Exchange (CDX) Web application must make plans to convert to the Exchange Network data flow by the end of CY2012. The data flow is available at: http://www.exchangenetwork.net/exchanges/SDWIS_flow%20implementation.pdf	For those States, some milestones commitments may be appropriate to have in the PPA. • Reflect a commitment to begin submitting information to the Safe Drinking Water Information System in XML format using either an Exchange Network Node or a Node Client by the end of CY2012; • Acknowledge the intent to eliminate the legacy data reporting mechanism through the CDX Web application; • Identify a date for terminating use of the legacy method for reporting data to SDWIS/Fed; and • Establish that reporting data using the Exchange Network (i.e., operations and maintenance) is an eligible activity for funding under categorical program grants.
States are scheduled for data verification audits about every three years.	States slated to have a data verification audit in FY 12 have not been identified as of the date hereof.	As they are identified, those States will cooperate with the data verification process. If there are outstanding issues from the last data verification for any State, commitments to address the issues should be included in the PPA.

Underground Injection Program (UIC)

A letter to all State UIC Program Managers will be sent separately which addresses the Fiscal Year 2012 Region 8 UIC Program revisions to the UIC Grant Allotment formula and Reporting Requirements. The following two pages is an excerpt of the UIC program activity measures and definitions as well as expectations for the State.

Measure Objective	**Explanation**	**Expectations for State**
SDW-7: Percent of deep injection wells that are used: 1) to inject industrial, municipal, or hazardous waste (***Class I***) wells; 2) to enhance oil recovery or that are used for the disposal or storage of other oil production related activities (***Class II***); and 3) for salt solution mining (***Class III***) that lose mechanical integrity and are returned to compliance within 180 days thereby reducing the potential to endanger underground sources of drinking water.	Percent of ***Class I, II, III salt solution mining*** wells that lose mechanical integrity and are returned to compliance within 180 days in FY12, expressed as numerator over denominator (see definitions below). Region 8 Target = 80%	<u>What do I report?</u> PAMs, injection well inventory, and 7520's data. <u>When do I report?</u> PAMs and/or 7520's data: twice a year – mid-year by April 20, and end of year by October 20. Injection well inventory: by February 20th <u>How do I report and Who do I report to?</u> <u>*For PAMs and injection well inventory:*</u> by online reporting at: (http://uicinventory.cadmusweb.com OR 'flow' your PAMs and injection well inventory data into the national UIC Database through EPA's CDX and Exchange Network. <u>*For 7520's data:*</u> send them to your assigned Project Officer (email or electronic is okay) OR 'flow' your 7520's data into the national UIC Database through EPA's CDX and Exchange Network.
SDW-8: The number of ***Class V*** motor vehicle waste disposal (MVWD) wells and large capacity cesspools that are closed or permitted.	1. Number of ***Class V MVWD*** wells and large capacity cesspools as defined in the Class V rulethat have been identified, *and* the number closed or permitted, <u>in program history</u>. (note that if you have already reported a "program" history number, do not repeat it) 2. Number of ***Class V*** MVWD wells and large capacity cesspools as defined in the Class V rule that have been identified, *and* the number closed or permitted, <u>in FY12</u> (7520-2B IX.) Region 8 Target = 2,547	
SDW-19a: Volume of CO2 sequestered through injection as defined by the UIC Final Rule.	Volume reported from new and existing CO2 enhanced oil recovery wells that opt in as sequestering, Class I and Class V wells that are sequestering CO2, and Class VI permitted wells.	
SDW-19b: Number of permit decisions during the reporting period that result in CO2 sequestered through injection as defined by the UIC Final Rule	Permit decisions associated with new and existing CO2 enhanced oil recovery wells that opt in as sequestering, Class I and Class V wells that are sequestering CO2, and Class VI permitted wells.	

FY 2012 Reporting Definitions: States will use these definitions of key terms to help with reporting on the UIC measures as required by EPA Headquarters.	
Well Permitted (SDW-8)	**Defined:** A permitted injection well has an authorization, license, or equivalent control document issued by EPA or an approved primacy state or tribe to implement the requirements of parts 144 (Underground Injection Control Program), 145 (State UIC Program Requirements), 146 (Underground Injection Control Program: Criteria and Standards), and 124 (Procedures for Decision Making). A permitted well is not authorized by rule (§144.21). Citation: 40 CFR144.3.
Well closed (SDW-8)	**Defined:** Well closures include: (1) discontinuation of unauthorized injection of fluids, and (2) authorized plugging and abandonment procedures. Citations: 7520-2B, 40 CFR 144.82 and 144.89.
Mechanical Integrity (MI) (SDW-7)	**Defined:** An injection well has maintained MI when: (1) there is no significant leak in the casing, tubing, or packer, and (2) there is no significant fluid movement into an USDW through vertical channels adjacent to the injection well bore. *Citation: 40 CFR 146.8* "Return to compliance" for the purpose of the measure, means the well has had a successful demonstration of mechanical integrity or has been plugged. Operator cessation of injection, operator plans to rework or convert the well in the future, and agency enforcement actions to compel operators to address a loss of mechanical integrity do not constitute "return to compliance." The reporting format should **include in the denominator the number of wells that lose mechanical integrity over the "reporting period," and the numerator should be the number of those same wells in the denominator that were returned to compliance within 180 days. The "reporting period" for identifying wells that lost mechanical integrity is April 1st to September 30th, 2011, for midyear reporting, and April 1st, 2011, to March 31st, 2012, for end of year reporting.**
Motor Vehicle Waste Disposal wells (SDW-8)	**Defined in** 40 CFR Part 144.81(16) as part of the 1999 Class V rule.
Large Capacity Cesspools (SDW-8)	**Defined** in 40 CFR Part 144.81(2) as part of the 1999 Class V rule.
Volume of CO2 sequestered (SDW-19a)	Volume is typically reported in tons of CO2. Sequestration associated with new and existing CO2 enhanced oil recovery wells that have transitioned from production to long-term storage, Class I and Class V wells sequestering CO2, and Class VI permitted wells.
CO2 sequestration permit decisions (SDW-19b)	Class I, V, and VI permit decisions include final permit issuance, and permit modification, denial, renewal, or revocation and reissuance.

Source Water Assessment and Protection Program

States should continue to implement active Source Water Protection (SWP) programs in accordance with the Safe Drinking Water Act and EPA's National Strategic Plan.

PAM	PAM EXPLANATION	EXPECTATIONS FOR STATES
Strategic Target SP-4 Minimize risk to public health through source water protection. Minimized risk is defined as substantial implementation (as defined by state) of actions in a source water protection plan or strategy.	The regional target(s) for SP-4 (a) and (b) for FY11 is **45%** of regional Community Water Systems meeting the measure, and **40%** of population. This measure is a state grant template measure	All states are required to report on achievement at the end of the FY. Each state is expected to contribute meaningfully toward achievement of the regional target. States are expected to maintain staffing for the SWP program, and to commit to the following activities in the PPA in support of SP-4: • **Annually report** SWP Program progress as fully as possible by the end of September of each year; at a minimum this reporting will address the percentage of systems and population served achieving minimized risk through substantial implementation of SWP plans. It is also advantageous to submit a brief narrative statement that explains the progress for SWP program. • **Provide technical and programmatic assistance** to Public Water Systems, communities, and other entities working on local SWP issues. • **Provide technical assistance** to support Public Water Systems development and implementation of SWP Plans. • **Provide technical assistanc**e for the completion of Source Water Assessments for new water sources or systems. • **Coordinate as needed with other state programs** such as the Drinking Water State Revolving Fund, technical service providers such as National Rural Water state affiliates, and with EPA Region 8.

Ground-Water Program

ACTION	EXPLANATION	*EXPECTATIONS FOR STATES*
State, Tribal and Federal water resource management agencies need to effectively manage all ground-water resources in a way that promotes sustainable use of the resource and protects vital ecological resources that rely on ground-water discharge.	Within Region 8, ground-water uses have increased significantly during the past decade. Many areas within the Region rely heavily on ground water to supply domestic, irrigation and municipal needs. Large areas within Region 8 have experienced a significant drought. Global climate change is likely to increase the frequency and severity of droughts. This will result in significant decrease in annual recharge to critical aquifers. The combination of increased use of ground-water and decreased recharge makes it imperative to bring a renewed emphasis to the comprehensive management of ground-water resources.	Region 8's Ecosystem Protection Program requests that the States address the following activities in their 2011 Performance Partnership Agreement: - Participate in the Ground-Water Protection Strategy Workgroup **(now being promoted by GWPC)** - Develop and /or continue to implement ground-water monitoring programs as part of the State Water Quality Monitoring Strategies or otherwise. - Continue work on mapping and characterizing major and minor aquifers within each State - Assess the status of State ground-water management activities and increase coordination among State agencies that are responsible for ground-water management. - Submit a brief narrative describing major groundwater accomplishments. This can be done as an email to your state coordinator.

Comment [G1]: This is the same as last year. Do we need to add anything to this? Pam needs to get this out right away – however, we could talk to our states to determine if there are areas that they are working on that could be identified in the PPA when they are putting it together to send back to us for review. Some states already do that very well.

Goal 2: Protecting America's Waters

Objective 2.2: Improve Water Quality on a Watershed Basis

Subobjective 2.2.1: Use pollution prevention and restoration approaches to protect and restore the quality of rivers, lakes, and streams on a watershed basis.

In FY 2012, EPA Region 8 and the States will continue to effectively implement and better integrate programs established under the Clean Water Act to protect, improve, and restore water quality on a watershed basis. In support of Goal 2, protecting and restoring water quality on a watershed basis continues to be one of four National Water Program priorities for FY 2012. Under the watershed approach, focusing on the needs of a watershed or an individual water body allows us to bring to bear those programs and partners necessary to support protection, improvement, or restoration of water quality. There are three environmental outcome measures under the Watershed Subobjective, strategic targets WQ-SP10.N11, SP-11, and WQ-SP12.N11. Continuing in FY 2012, States are expected to set individual goals to support the National 2012 goals for these Strategic Targets, and to make specific, numeric commitments annually to demonstrate progress toward those goals.

Strategic Targets

PAM	PAM EXPLANATION	*EXPECTATIONS FOR STATES*
WQ-SP10.N11 - Full Waterbody Restoration - Number of waterbodies identified in 2002* as not attaining water quality standards where standards are now fully attained.(cumulative)	SP-10 is required in the State Grant Template for CWA 106 water quality management programs. It is the sole strategic target identified during the 2005 OMB Program Accountability Rating Tool (PART) review of the EPA surface water quality program and state CWA 106 grant program. Consequently, this measure remains one of high visibility and significance. This measure cumulatively tracks the number of waterbodies listed as impaired in 2002 (or 1998 if 2002 303(d) list is unavailable) where water quality standards are now attained due to one of the following reasons: 1. Water no longer is impaired because of restoration activities (i.e. water now meets water quality standards based on the current assessment methodology.) 2. Water reassessed - shown to be meeting water quality standards (based on current assessment methodology). 3. Original basis for 303(d) listing is incorrect; water meets water quality standard (i.e. waterbody was not truly impaired). 4. Change in WQS assessment methodology, water now meets water quality standard based on a reassessment using the new/revised assessment methodology. 5. Water originally listed as threatened but has continued to meet water quality standards and is no longer considered threatened. ***6.*** Change in WQS; data shows that water meets new WQS based on current assessment methodology. ***http://water.epa.gov/aboutow/goals_objectives/waterplan/pamsfy11_index.cfm***	EPA R8 uses a biannual targeting and reporting cycle for measures SP-10 and SP-11 to reflect the biannual integrated reporting cycle. During odd numbered PPA years, states are not required to submit an integrated report to EPA, therefore, states will only be expected to provide an estimated target in PPAs for these measures during these years. However, during even numbered PPA years, states are required to submit an integrated report to EPA and therefore states will also be expected to include a commitment for measures SP-10 and SP-11 in their PPA agreements. Since FY2011 is an odd numbered (i.e. non-IR report) fiscal year, states only need to provide an estimated value for this measure in their FY2011 PPA agreements. This target should be set to reflect the cumulative number of waterbodies expected to qualify as "Fully Restored" as defined in SP-10, and measured against the 2002 integrated report (or combined 303(d) and 305(b) reports). The baseline for this measure consists water bodies identified by states or EPA as not meeting water quality standards in 2002. This includes all waters in categories 5, 4a, 4b, and 4c in 2002. Impairments identified after 2002 are not considered in counting waters under this measure; such impairments will be considered when revising this measure for future updates of the Strategic Plan.

PAM	PAM EXPLANATION	*EXPECTATIONS FOR STATES*
SP-11 - Partial Waterbody Restoration - Remove the specific causes of waterbody impairment identified by states in 2002*. (cumulative)	Remove specific causes of waterbody impairment identified by states in 2002. This measure reflects improvement of water quality by cumulatively tracking the number of specific waterbody impairment causes removed by states in subsequent Integrated Reporting cycles. Whereas the Full Restoration measure (SP-10) tracks the number of waterbodies for which all impairments have been addressed, SP-11 tracks progress in restoring water quality by counting the number of specific impairments addressed. Two impairments restored on the same waterbody would count as two toward this measure. Progress for this measure is counted cumulatively against the 2002 integrated reports. The baseline for SP-11 includes all individual impairments for waterbodies segments included in categories 5, 4a, 4b, and 4c as of 2002 (or 1998 if in 2002 such data was not available). ***http://water.epa.gov/aboutow/goals_objectives/waterplan/pamsfy11_index.cfm***	EPA R8 uses a biannual targeting and reporting cycle for measures SP-10 and SP-11 to reflect the biannual integrated reporting cycle. During odd numbered PPA years, states are not required to submit an integrated report to EPA, therefore, states will only be expected to provide an estimated target in PPAs for these measures during these years. However, during even numbered PPA years, states are required to submit an integrated report to EPA and therefore states will also be expected to include a commitment for measures SP-10 and SP-11 in their PPA agreements. Since FY2011 is an odd numbered (i.e. non-IR report) fiscal year, states only need to provide an estimated value for this measure in their FY2011 PPA agreements.
WQ-SP12.N11 - Watershed Improvement Improve water quality conditions in impaired watersheds using the watershed approach (cumulative)	This measure cumulatively tracks the number of impaired watersheds (12-digit HUCs) identified as priority watersheds where water quality is improved through restoration as a result of applying the watershed approach. A full description of the measure can be found at: ***http://water.epa.gov/aboutow/goals_objectives/waterplan/def_wq11.cfm#SP-12***	Each year states are expected include a numeric annual commitment for SP-12 in their PPA (and/or Staffing & Support 319 Grant) that demonstrates progress toward the goal, and to report against that annual commitment. The Region 8 cumulative target for SP-12 for 2012 is 30 12-digit HUC watersheds (6 new watersheds for 2012). Reporting under SP-12 requires the development of a narrative using a provided template that describes the use of the watershed approach that led to delisting of water bodies from the 303(d) list or to show the documented improving water quality trends that are watershed wide (in lieu of delisting).

Strengthen Water Quality Standards

PAM	PAM Explanation	Expectations for States
WQ-1a (New): Number of numeric water quality standards for total nitrogen and for total phosphorus adopted by States and Territories and approved by EPA, or promulgated by EPA, for all waters within the State or Territory for each of the following waterbody types: lakes/reservoirs, rivers/streams, and estuaries (cumulative, out of a universe of 280).	Criteria are for eutrophication endpoints. Numeric translators for TN and TP will be counted in this measure if they are binding upon section 303(d) assessments, TMDLs, and NPDES permits, and have been adopted as water quality standards and approved by EPA under section 303(c). Response variables are not considered translators for this purpose. Universe for Region 8 is 24. Universe for each State is 4 (TN Lake, TN River, TP Lake, TP River).	The Region's expectation is that States will continue to make progress towards adoption of numeric nutrient criteria. The Region does not expect any States to meet this measure in FY 2012.
WQ-1b (New): Number of numeric water quality standards for total nitrogen and total phosphorus at least proposed in draft by States and Territories, or by EPA proposed rulemaking, for all waters within the State or Territory for each of the following waterbody types: lakes/reservoirs, rivers/streams, and estuaries (cumulative, out of a universe of 280).	Criteria are for eutrophication endpoints. Numeric translators for TN and TP will be counted in this measure if they are binding upon section 303(d) assessments, TMDLs, and NPDES permits, and have been proposed. Response variables are not considered translators for this purpose. Universe for Region 8 is 24. Universe for each State is 4 (TN Lake, TN River, TP Lake, TP River). *At least* means that criteria can be counted if they have been proposed, or if they have progressed to any later stage of adoption and approval. *Proposed* means that a state has either (a) proposed and published the criteria for public comment, (b) formally provided the criteria for review to a legislative body, legislative committee, public commission, or similar body as part of a prescribed regulatory process, (c) recommended the criteria to a legislature, public commission, or agency responsible for promulgating standards under its own public process, or (d) otherwise issued the draft criteria to begin a similar public process.	The Region's expectation is that States will continue to make progress towards adoption of numeric nutrient criteria. The Region does not expect any States to meet this measure in FY 2012.

PAM	PAM Explanation	Expectations for States
WQ-1c (New): Number of States and Territories supplying a full set of performance milestone information to EPA concerning development, proposal, and adoption of numeric water quality standards for total nitrogen and total phosphorus for each waterbody type within the State or Territory (annual). (The universe for this measure is 56.)	EPA expects, as part of the process for administering section 106 grants or performance partnership agreements, that states will establish internal milestones for developing, proposing, and adopting TN and TP criteria for their waters. To be credited under this measure, states will need to provide information about these milestones to EPA on a regular basis, but at least annually. EPA expects states to establish milestones for the completion of each of the following key steps: 1. Planning for criteria development; 2. Collection of information and data; 3. Analysis of information and data; 4. Proposal of criteria (related to measure WQ-1b); and 5. Adoption of criteria into the State's water quality standards (related to measure WQ-1a). Such milestones would need to be established for developing TN and TP criteria for each of the waterbody types within the state. For each milestone established, EPA expects states to provide EPA the following on a regular basis, but not less than annually: (1) A target date, consistent with internal planning; (2) A completion date when the milestone is met; and (3) A written explanation for changes in target dates from previous plans, or any delays in achieving them. A State will be counted for WQ-1c if it provides a complete set of Target dates, Actual dates, and Explanations for the milestones. Universe for Region 8 is 6.	The Region's expectation is that States will review their nutrient criteria development plans, identify what additional information is needed to satisfy this measure, and provide an updated set of performance milestones and timelines to the Region by the end of FY 2012. The Region is available to assist States in developing appropriate milestones.
WQ-3a: #, and national %, of States and Territories that within the preceding three year period, submitted new or revised water quality criteria acceptable to EPA that reflect new scientific information from EPA or other resources not considered in the previous standards.	State/Territory has submitted new or revised criteria, between May 1, 2008 and April 30, 2011, reflecting new criteria/guidance from EPA or other resources (e.g., criteria derived by State/Territory based on original work).	The Region's expectation is that four States will qualify to be counted under this PAM. CO, MT, SD and UT have already adopted new or revised WQS that can be counted. The Region expects that WY will also submit qualifying WQS revisions prior to April 30, 2012. The Region will work with all States to develop appropriate revisions to WQS.

PAM	PAM Explanation	Expectations for States
WQ-4a: % of State and Territorial WQS submissions (received in the 12 month period ending April 30th of the fiscal year) that are approved by EPA.	Covers all WQS submissions between May 1, 2010 and April 30, 2011 that are approved by September 30, 2011. The measure addresses the % of all submissions approved by EPA. No action or disapprovals do not count, but partial credit is counted (e.g., if 90% of the WQS revisions are approved).	A Regional priority is to work with States/Territories during the pre-rulemaking phase as well as during the rulemaking in an attempt to ensure adopted WQS are approvable. Occasionally, however, States/Territories will adopt WQS that the Region finds to be inconsistent with federal requirements. In such cases, disapproval is appropriate. Because the Region cannot anticipate total agreement on all aspects of revised WQS, the Regional commitment is 79% for this PAM. Nevertheless, our goal is 100% approvability.

Additional FY 2011 Water Quality Standards Guidance…

(1) Unresolved EPA Disapproval Actions - The Region expects States with unresolved disapprovals to amend their standards, as necessary, to resolve the disapprovals. * *A Regional priority is to make every effort to avoid situations that will require EPA to disapprove, and explore options to resolve, in a timely manner, any EPA disapprovals that cannot be avoided. Effective communication during the pre-rulemaking stage is very important.*

(2) Nutrients - The Region is working with to adopt numerical nutrient criteria (or narratives with implementation plans) or to develop plans to adopt State- derived nutrient criteria. * *Regional priority is to provide technical and resource assistance to support states preparing for criteria adoption (Colorado, Montana) in the short-term. When available, additional resources will focus on states actively implementing their nutrient criteria plans or on supporting multi-state data analysis efforts that accelerate the pace of establishing nutrient thresholds by expanding the datasets and encouraging the exchange of information.*

(3) Updated Criteria for Toxic and Conventional Pollutants - The Region expects States to revise criteria values to be consistent with the most recently published EPA recommendations (see http://www.epa.gov/waterscience/criteria/wqctable/) or State- derived, defensible alternatives.

(4) Endangered Species Act - The Region encourages States to solicit early participation by the Fish and Wildlife Service in reviewing draft water quality standards proposals, particularly for segments with occurrences of federally listed species. To the extent feasible, the Region encourages States to address issues related to the protection of threatened and endangered species as amendments to the standards are being developed (i.e., during the pre-rulemaking phase). We would like a commitment from each State stating that the Service will be notified of planned WQS revisions (i.e., ensure the Service is on the States'/Tribes' mailing lists) and that the Service will receive drafts of proposed amendments when those are available for public review.

(5) Refined "Fishable/Swimmable" Designated Uses - A longer term goal is that States refine, as needed, their aquatic life and recreational uses (including creation of new categories where appropriate) to more precisely describe the aquatic communities and recreational uses that are to be protected. * *Several States have begun work on use refinement, but generally this is a longer-term goal that is associated with a number of challenging obstacles. For example, applying a refined designated use scheme (including new categories) requires site-specific information so that proposed use revisions are supported by evidence. UAAs are required where a site-specific change in designated use is accompanied by adoption of less stringent criteria (e.g., a change to less stringent dissolved oxygen or temperature criteria). * A short term Regional priority is to work with States/Tribes on UAA approaches and implementation aimed at refining the level of protection, where appropriate, on a site-specific basis.*

(6) Action on Submittals - The Region will act on WQS submittals in a timely manner. * *Regional priority is to complete action on 100% of submissions within statutory time frames.*

Improve Water Quality Monitoring and Assessment

EPA Office of Water's monitoring and assessment guidance is contained in numerous documents, including, Elements of a State Water Monitoring and Assessment Program, Integrated Reporting Guidance, Consolidated Assessment and Listing Methodology, and the 106 Program Guidance and the Monitoring Initiative Guidance. These documents can be found on EPA's web site at:

http://water.epa.gov/type/watershed/monitoring/monitoring_index.cfm

http://water.epa.gov/type/watershed/monitoring/repguid.cfm

http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/ir_memo_2012.cfm

In addition to the continuation of core monitoring and assessment business, the areas of focus for FY12 should be on:

PAM	PAM EXPLANATION	*EXPECTATIONS FOR STATES*
WQ-5 Number of States and Territories that have adopted and are implementing their monitoring strategies in keeping with established schedules.	Each of the Region 8 States has submitted a monitoring and assessment program strategy.	Region 8 strongly encourages States to review the strategies annually and, if necessary, update these documents to identify any programmatic shortcomings or gaps. Additionally, Region 8 encourages States to follow the Monitoring Initiative Guidance in order to obtain supplemental funds that address both monitoring strategy-identified needs and participation in the National Lakes Assessment (2012). Prior to submitting their 106 Monitoring Initiative workplans, states should review their monitoring strategies to ensure that any activities identified for 106 MI funds are described in the State's monitoring strategy.
WQ-7 Number of States and Territories that provide electronic information using the Assessment Database version 2 or later (or compatible system) and georeference the information to facilitate the integrated reporting of assessment data.	This action will improve the accuracy of the hard copy report and the electronic database and will minimize delays in providing the complete IR submittal (which includes the ADB and GIS files) to EPA.	Region 8 strongly encourages States to prepare for the delivery of both the ADB Version 2.3 (or later) and NHD-referenced GIS layers of the IR segments and categories with their 2012 Integrated Reports by April 1, 2012. In preparation for the 2012 Integrated Report, EPA encourages states to load all assessment information into the ADB and to use the ADB to generate any documents that the State distributes for public comment.

Action	**Explanation**	**Expectation for State**
Continued implementation of state monitoring and assessment strategies	The focus on implementation of state monitoring and assessment strategies may require states to revisit their monitoring strategies. .	EPA encourages States to review and revise their Assessment Methodologies. Region 8 strongly encourages States to make strategy revisions that satisfy 106 Monitoring Initiative requirements and address all waters of the state, including wetlands and ground water. Region 8 staff will continue to meet with State monitoring and assessment staff to ensure agreement on state monitoring and assessment priorities.
Preparation for the 2012 Integrated Report and electronic data (ADB and GIS) submittals	Preparation will help ensure that States will be able to meet EPA's April 1st deadline for the 2012 Integrated Reports	1. Begin planning for development of the 2012 IR 2. Work with Region 8 State Monitoring Coordinator to identify and resolve any issues that may delay the submittal of the 2012 report. 3. Continue to meet with EPA monitoring and assessment staff on achieving quality Integrated Report and electronic submittals. 4. Revise State assessment methodologies for use in the 2012 assessments.
Use of the 106 Monitoring Initiative funds	Clean Water Act Section 106 Supplemental Monitoring Initiative (MI) funds requires that states have a monitoring strategy that is consistent with EPA's FY06 *Guidelines for the Award of Monitoring Initiative Funds under Section 106 Grants to States, Interstate Agencies, and Tribes*	Region 8 would like States to use the 106 Monitoring Initiative funds to implement the priorities identified in their monitoring strategies. To meet the minimum 106 Monitoring Initiative requirements, state strategies should include: An accurate description of the State's current monitoring and assessment activities A clear identification of improvements that would strengthen the State's monitoring and assessment program. The improvements may relate directly to monitoring efforts or may address programmatic needs noted in other elements of the strategy (e.g., data management, data analysis, assessment methodologies). A prioritized list of improvements and an established schedule for addressing the improvements, reflective of their ranking. We recognize a more generalized schedule may be provided for activities planned beyond a five-year period. For States to maintain their eligibility to receive the 'implementation of monitoring strategies component of their 106 Monitoring Initiative funding allocation, states must: Implement a state-wide probability monitoring and assessment of at least one water resource type. The monitoring effort should be based on a minimum of 50 probability sites and reporting of the assessment shall be through the Integrated Report.

Implement TMDLs and Other Watershed Related Plans

PAM	PAM EXPLANATION	*EXPECTATIONS FOR STATES*
WQ-8b - Number, and national percent, of TMDLs that are established by States and approved by EPA [State TMDLs] on a schedule consistent with national policy.	Water quality restoration planning through the development of TMDL plans continues to be a major EPA focus. This measure is required in the State Grant Template (attached) for CWA 106 water quality management programs. TMDL development pace tracks the annual number of TMDLs that are established by states consistent with the national policy that all waterbody/pollutant combinations need to be addressed within 8 to 13 years of originally being listed. An overriding factor may be the need for a particular state to stay compliant with a court order, consent decree, or settlement agreement derived from litigation.	States are expected to report the calculated FY12 TMDL pace number, establish an FY12 TMDL development commitment in their PPA, and report out the actual number of TMDLs developed and submitted to EPA for approval at the end of the fiscal year (September, 30 2012). http://water.epa.gov/aboutow/goals_objectives/waterplan/def_wq11.cfm#WQ-8
(WQ-21) Restoration Planning Complete - Number of water segments identified as impaired in 2002 for which States and EPA agree that initial restoration planning is complete (i.e., EPA has approved all needed TMDLs for pollutants causing impairments to the waterbody or has approved a 303(d) list that recognizes that the waterbody is covered by a Watershed Plan [i.e., Category 4b or Category 5m]). (cumulative)	This measure counts water segments for which all EPA-approved TMDLs and Category 4b plans are established, or for which the state has a Category 5m program in place that meets elements recommended by EPA (note: we recognize that Category 5m does not necessarily imply that water quality standards will be attained). This is a cumulative measure which tracks progress in developing plans for restoration of known water quality impairments. The baseline for this measure consists of waters identified as impaired in state 303(d) lists in 2002 (or 1998 if the 2002 303(d) list is unavailable). *In a change from previous years, the count for this measure will not be reduced when segments move to later stages of restoration or into full attainment.* This measure does not count Category 4a segments (i.e., segments for which a TMDL to address a specific segment/pollutant combination has been approved or established by EPA) unless all causes of impairment for the segment have been addressed by TMDLs (or 4b/5m plans) approved by EPA. This measure does not count 2002-listed segments removed from Category 5 and subsequently re-categorized to Category 5 again.	States are expected to include a numeric target in their PPAs for measure WQ-21. Additionally, at the end of the FY2012 PPA cycle, states will be expected to provide a list of current and previously WQ-21 qualifying waterbodies, including ADB (version 2 or later) associated georeferencing information. http://water.epa.gov/aboutow/goals_objectives/waterplan/def_wq11.cfm#WQ-21
TMDL Program (general expectation, no associated PAM measure)	State water quality programs are expected to coordinate efforts to ensure the inclusion of specific TMDL waste load allocations into applicable NPDES point source permit effluent discharge limits.	State water quality programs are expected to coordinate efforts to ensure the inclusion of specific TMDL waste load allocations into applicable NPDES point source permit effluent discharge limits.

Strengthen the National Pollution Discharge Eliminations System (NPDES) Program

Maintain Core Program: (Statement to be included in all PPAs/SEAs)

The ***State Environmental Agency*** shall fully implement and enforce its delegated NPDES program (including, as appropriate, general permitting, pretreatment and biosolids programs) as required by 40 CFR Parts 122-124, 403, 501 and 503, its delegation MOA, SEA, Inspection Plan, and any other agreements with EPA regarding program implementation. The PPA may specify goals and objectives for activities beyond the base level of performance, but, in no way, should this be interpreted as relief from full implementation of the base program.

Key tasks for FY 2012 include:

- Strengthen the NPDES permit program. EPA will work with each state to evaluate and set programmatic and performance goals to maximize water quality improvement and achieve state and EPA regional priorities across the Clean Water Act programs to maintain the integrity of the NPDES programs.
- States are encouraged to seek opportunities to incorporate efficiency tools such as watershed permitting, trading, and linking development of water quality standards, TMDLs, and permits.
- States are expected to ensure that stormwater permits are reissued on a timely basis and to strengthen the provisions of the MS4 permits as the permits are reissued to ensure clarity on what is required and that permits are written so that they are enforceable. States should place emphasis on incorporating green infrastructure in all stormwater permits.
- States need to update their programs to implement the concentrated animal feeding operation (CAFO) rule, including regulations, permits and technical standards, and work closely with their inspection and enforcement programs to ensure a level playing field.
- States need to modify their programs to regulate pesticide discharges by April 2011 and continue implementation through 2012.
- In general, states should ensure that permittees submit data that accurately characterizes the pollutant loadings in their discharge for reasonable potential determinations and other reporting.; and
- Support sustainable wastewater infrastructure.

Objective	**Explanation**	**Expectation for State**
WQ-11: Number of follow up actions completed as result of a comprehensive assessment of NPDES program integrity	Permit Quality Reviews and Action Items: EPA conducts Permit Quality Reviews to assess the health and integrity of the NPDES program in authorized states, tribes, territories, and EPA regions. EPA manages a commitment and tracking system to ensure that NPDES Action Items identified in these assessments are implemented. Implementation is measured through Program Activity Measure WQ-11. Additional NPDES Action Items will continue to be identified and addressed through this process in FY 2012	Each State must provide written commitment in the PPA to address 2012 national Performance Activity Measures.

WQ-12a: Percentage of all non-tribal NPDES permits that are considered current.	Each year, 90% of all permits are current and 95% of the priority permits targeted for issuance are current. If the number of expired permits is greater than 30% at any time, provide an overall permit issuance/backlog reduction plan showing how the state will expeditiously reduce the backlog to 10%.	Each State must provide written commitment in the PPA to address 2012 national Performance Activity Measures.
WQ-13a-d: Number of facilities covered by individual or general permit	The following categories (reported separately). 13a: Number of MS4s; 13b: Number of industrial stormwater facilities; 13c: Number of construction stormwater facilities; and 13d: Number of CAFOs	Each State must provide written commitment in the PPA to address 2012 national Performance Activity Measures.
WQ-14a: Number and Percent of Significant Industrial Users (SIUs) in POTWs with Pretreatment Programs that have control mechanisms in place that implement applicable pre-treatment requirements.		Each State must provide written commitment in the PPA to address 2012 national Performance Activity Measures.
WQ-14b: Number and Percentage of Categorical Industrial Users (CIUs) in non-pretreatment POTWs that have control mechanisms in place that implement applicable pre-treatment requirements.		Each State must provide written commitment in the PPA to address 2012 national Performance Activity Measures.
WQ-15a-b: Percent of major dischargers in significant noncompliance at any time during the fiscal year and number on impaired waters.	National FY2012 Planning Target: <22.5%	Each State must provide written commitment in the PPA to address 2012 national Performance Activity Measures.
WQ-16: Number and national percentage of major POTWs that comply with permitted discharge standards.	National FY2012 Planning Target: 86%	Each State must provide written commitment in the PPA to address 2012 national Performance Activity Measures.

WQ-19a: Number and Percentage of scheduled "high priority NPDES permits" that are issued in the fiscal year.	EPA works with states and EPA regions to select high-priority permits based on programmatic and environmental significance and commit to issuing a specific number of those permits during the fiscal year (see Program Activity Measures WQ-19). Currently, measure WQ-19's targets are based on a universe of priority permits that shifts each year, and those fluctuations in the measure's universe make trend analysis difficult. In FY 2012, EPA intends to reevaluate the overall measure structure, as well as criteria used in the selection process for priority permits, in order to allow EPA to set a better baseline and improve the overall effectiveness of the measure. Any revisions to this measure are intended for adoption and implementation in FY 2013.	Each State must provide written commitment in the PPA to address 2012 national Performance Activity Measures.
WQ-20: Number of facilities that have traded at least once plus all facilities covered by an overlay permit that incorporates trading provisions with an enforceable cap.		Each State must provide written commitment in the PPA to address 2012 national Performance Activity Measures.
Implement a process for incorporating TMDLs with storm water allocations into general permits.		
Implement Pretreatment Program in authorized states (ND, SD, UT)		Specific commitments include: a. Perform audits on all approved pretreatment programs at least once every five years. b. Identify CIUs, when feasible, in areas served by non-approved programs and develop appropriate control mechanisms. c. Receive and appropriately evaluate annual reports submitted by local pretreatment programs.
Update State rules and procedures to incorporate pretreatment streamlining regulations as appropriate to allow for implementation.		

Implement the Sewage Sludge (Biosolids) regulations		Specific commitments include: a. Provide information on percent and number of NPDES permits that contain biosolids language. b. Maintain data in the Biosolids Data Management System (BDMS) or equivalent database. Submit the data electronically by May 1 each year for the preceding monitoring year.
Implement the Unified National Strategy for Animal Feeding Operations - March 9, 1999 to the maximum extent possible.		Specific commitments include: a. Permit all CAFOs in accordance with the deadlines established in the February 12, 2003 and February 10, 2006 federal regulations. July 18, 2007 federal regulations. b. Provide progress on adoption of the 2008 Final CAFO Rule to EPA. c. For all permitted CAFOs enter permit facility data, permit event data and inspection data into PCS/ICIS-NPDES. d. Implement the State's program to address all animal feeding operations that are impacting water quality. Provide progress on implementation to EPA.

Sustainable Water Infrastructure	General commitment for Sustainable Water Infrastructure ***Sustainable Water Infrastructure Background and Information.*** *The State and EPA are committed to ensuring the long-term viability of water infrastructure through promoting sustainable practices that will reduce the gap between funding needs and financial capability at the local, state and national levels. The State and EPA will work with key stakeholders to develop and implement the Sustainable Water Infrastructure Initiative to reduce/optimize future infrastructure needs and costs, and ensure that current and future infrastructure is planned and managed more effectively. To achieve these goals, the State and EPA will collaborate to: 1) promote better management practices, 2) encourage efficient water use, 3) promote full-cost pricing of water, and 4) promote a watershed approach to planning and protection.*	Sustainable Infrastructure Addendum to 2012 - We appreciate you establishing a point of contact / liaison for Sustainable Water Infrastructure in 2009 to help develop and implement a Sustainable Infrastructure Strategy as well as serve as a communication link between EPA and key stakeholders in your state. We will continue to work closely with them as the Sustainable Water Infrastructure program continues to unfold under the new administration.
EPA's schedule for 5-year audits	Consistent with the Clean Water Act Action Plan, Region 8 will integrate program and enforcement oversight to ensure the most significant actions affecting water quality are included in an accountability system and are addressed. Region 8 expects to conduct the first integrated oversight review in FY2012.	

Implement Practices to Reduce Pollution From All Nonpoint Sources

Region 8 strongly encourages States to maintain active and effective Non-Point Source (NPS) Programs in accordance with EPA's Strategic Plan and CWA Section 319. The State NPS program should continue to focus on restoring waters impaired by NPS pollution, and should be used by the states as a cornerstone in restoring impaired water bodies and watersheds. EPA will continue to work with the states toward this end.

The priority objective for the use of CWA Section 319 grant funds is to implement the state nonpoint source program expeditiously to achieve the goals of the CWA, including the restoration and maintenance of the chemical, physical, and biological integrity of the Nation's waters. To achieve this objective, EPA places top priority on implementing on-the-ground measures and practices that will reduce pollutant loads and contribute to the restoration of impaired waters. The Program Activity Measures (PAMs) described below achieve this objective by directing the use of Section 319 funds to the development and implementation of watershed-based plans that are designed to restore waters that have been listed by States as impaired under CWA Section 303(d).

PAM	PAM EXPLANATION	*EXPECTATIONS FOR STATES*
WQ-9 (a,b,c) Estimated annual reduction in million of pounds of phosphorus and nitrogen and in tons of sediment from nonpoint sources to water bodies (Section 319-funded projects only).	EPA collects this information in its Grants Reporting and Tracking System (GRTS) for Section 319-funded on-the-ground implementation projects where one or more of these three pollutants is addressed by the project. States are not strictly required to enter this information into GRTS until after one full year of project implementation, although they may enter data prior to the one-year period if they so choose. Therefore, load reduction data entered into GRTS in a particular year usually reflect the results of a project that was implemented during a previous grant year. Load reduction data must be entered into GRTS by February 15. EPA HQ will report this information on a national basis based on data entry in GRTS.	States are required to enter this information into GRTS after one full year of project implementation.
WQ-10 Water bodies identified by States (in 2000 or subsequent years) as being primarily NPS-impaired that will be partially or fully restored (cumulative).	This measure cumulatively tracks water quality improvements on a water body basis and is the main environmental outcome measure for the NPS program. A more detailed description of this measure and reporting guidance is available at: http://water.epa.gov/aboutow/goals_objectives/waterplan/def_wq11.cfm#WQ-10. For a water to be counted as "partially or fully restored" under this measure, it must be described as as Success Story on EPA's NPS Success Story Website (http://www.epa.gov/owow/nps/Success319/). The guidance includes information on preparing and submitting Success Story writeups.	States are expected to make numeric commitments for WQ-10 in their PPA and/or Section 319 grant workplan, and to develop Success Story narratives using the WQ-10 guidance to support WQ-10 submittals. Region 8 target for WQ-10 for 2012 is 24 water bodies (5 new water-body Success Stories for 2012). State commitments are expected to meaningfully support this regional target.

ACTION	EXPLANATION	*EXPECTATIONS FOR STATES*
1. Given the increasing budget pressure and scrutiny directed at water quality programs, it is important that states and EPA evaluate the overall effectiveness of Region 8 Nonpoint Source programs at protecting threatened waters and improving the quality of impaired waters.	The framework for program evaluation should be designed to answer questions such as: • Do funded projects align well with the location and type of water quality impairments; in other words, is the solution appropriate to the problem? • Are measures of effectiveness for information and education efforts capable of assessing and documenting behavior change? • What percentage of completed projects have post-project environmental monitoring done to assess whether projected load reductions were achieved and expected water quality improvement occurred? • Is effectiveness monitoring addressed as a component of the state monitoring strategy? • Are funds expended in a timely way prior to the closing of project/budget periods? The 2004 guidance provide States with a framework to use Section 319 grant funds in a manner that will implement their NPS management programs effectively. EPA HQ will be performing a review of the 319 program in 2011 at the request of OMB, with support from Region 8. In addition, GAO is also reviewing the 319 program in 2011. This information can be used by states to support their own internal reviews of their programs. Region 8 will be working with the states to move forward with program effectiveness evaluations over the FY2011-12 time frame.	States should consider developing a comprehensive framework for program evaluation that complies with Section(s) 319(h) 2, 8 and 11, and Section 319(1) of the Clean Water Act. Based on the results of the studies, EPA will engage the states in developing recommendations on program revisions, as appropriate, to improve program accountability and ensure that states are using cost-effective approaches to protect and restore their waters.
2. To increase focus on protecting, maintaining, and conserving our nation's remaining healthy waters, EPA has launched a proactive approach called the Healthy Watersheds Initiative (HWI).	The goal of the HWI is to maintain and protect a healthy watershed "infrastructure" of habitat, biotic communities, water chemistry, and intact watershed processes such as hydrology, fluvial geomorphology, and natural disturbance regimes. These healthy, functioning watersheds provide the ecological infrastructure that anchor water quality restoration efforts. For FY 2012, EPA will finalize and implement its National Strategy, including a Healthy Watersheds Strategy, for building the capacity of state, tribal, and local government and watershed groups to protect and restore water quality.	Key components of the HWI are development of Regional Strategies that include working with the states to identify healthy watersheds and intact components of other watersheds statewide and implement protection and conservation programs both at the state and local levels. HWI guidance can be found at: http://water.epa.gov/polwaste/nps/watershed/hw_techdocument.cfm
3. EPA is working to foster the integration of water infrastructure decisions into smart growth strategies that provide more livable communities and reduce long term infrastructure needs and costs.	Green Infrastructure management approaches and technologies infiltrate, evapotranspire, capture and reuse stormwater to maintain or restore natural hydrology. EPA supports use of Section 106 funds to provide programmatic support for green infrastructure efforts, which promote prevention, reduction, and elimination of water pollution. **Urban Waters:** EPA's Urban Waters effort is focusing on pilot projects nationwide to help urban communities, particularly disadvantaged communities, to reconnect with and revitalize their water environments.	

Increase Wetlands

FY 2012 Measure	EXPLANATION	*OPPORTUNITIES FOR STATES*
WT-02a - Number of States/Tribes that have substantially built or increased capacity in wetland regulation, monitoring and assessment, water quality standards, and /or restoration and protection. (This is an annual reporting measure.)	A key objective of EPA's wetlands program is building the capacity of States in the following core elements of a wetlands program: wetland monitoring; regulation including 401 certification; voluntary restoration and protection; and water quality standards for wetlands.	*States with EPA-funded project(s) underway (e.g., Wetland Program Development Grant award) to build capacity in one or more core elements should include a reference to the project(s) in the PPA. *A suite of actions and activities supporting capacity-building for each core element can be found in EPA's *Core Elements Framework* at http://water.epa.gov/grants_funding/wetlands/cef_full.cfm. *Beginning in 2010, EPA is encouraging States and Tribes to develop "Wetland Program Plans" (WPPs) for building wetland program capacity. More funding is available for the states with WPPs.
WT-02b - Number of core elements (regulations, monitoring and assessment, water quality standards, or restoration and protection) developed and implemented by (number) of States/Tribes.	This measure also reflects EPA's goal of increasing State and Tribal wetland protection program capacity. However, WT 2b is a cumulative measure of the number of States and Tribes that have developed one or more of the core elements: wetland monitoring; regulation including 401 certification; voluntary restoration and protection; and water quality standards.	*A suite of actions and activities supporting capacity-building for each core element can be found in EPA's *Core Elements Framework* at http://water.epa.gov/grants_funding/wetlands/cef_full.cfm. * Beginning in 2010, EPA is encouraging States and Tribes to develop "Wetland Program Plans" (WPPs) for building wetland program capacity. WPPs outline goal(s) and actions over the next few years with a schedule for carrying out the actions and achieving the goals. WPPs support increased communication between States/Tribes and EPA as well as potential wetland partners. See the EPA Memorandum at http://water.epa.gov/type/wetlands/upload/wetland_program_plan_memorandum.pdf.