



**Goal 2: Safe and Clean Water**

**Subobjective 2.2.1: Restore & Improve Water Quality on a Watershed Basis**

**NPDES**

States should continue to implement significant actions identified during regional program and PQRs to assure effective management of the permit program and to adopt efficiencies to improve environmental results. States should also implement recommended significant actions identified under the EPA/Environmental Council of the States (ECOS) enforcement and compliance “State Review Framework” process. States should place emphasis on implementing criteria to ensure that priority permits selected are those offering the greatest benefit to improve water quality. EPA will track the implementation of the significant action items described above (WQ-11). 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 CWA programs to maintain the integrity of the NPDES programs. EPA and states should work together to optimally balance competing priorities, schedules for action items based on the significance of the action, and program revisions. States are encouraged to seek opportunities to incorporate efficiency tools, such as trading and linking development of WQS, TMDLs, and permits. States are expected to ensure that stormwater permits are reissued on a timely basis and to strengthen the provisions of MS4 permits as they are reissued to ensure clarity on what is required and 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 CAFO rule, including regulations, permits and technical standards, and work closely with their inspection and enforcement programs to ensure a level playing field. States were required to modify their programs to regulate pesticide discharges by October 31, 2011 and continue implementation through 2013. 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.

**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.

Objective	Explanation	Expectation for State
<p><u>WQ-11:</u> Number of follow up actions completed as result of a comprehensive assessment of NPDES program integrity</p>	<p>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</p>	<p>Each State must provide written commitment in the PPA to address 2013 national Performance Activity Measures.</p>

	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 2013	
<u>WQ-12a:</u> Percentage of all non-tribal NPDES permits that are considered current. [Measure will still set targets and commitments and report results in both % and #.]	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 2013 national Performance Activity Measures.
<u>WQ-13a-d:</u> 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 2013 national Performance Activity Measures.
<u>WQ-14a:</u> 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.	EPA and states will monitor the number and national percentage of significant industrial users that have control mechanisms in place to implement applicable pretreatment requirements prior to discharging to Publicly Owned Treatment Works (POTWs). EPA will also monitor the number and national percentage of categorical industrial users in non-approved pretreatment POTWs that have control mechanisms in place to implement applicable pretreatment requirements	Each State must provide written commitment in the PPA to address 2013 national Performance Activity Measures.
<u>WQ-14b:</u> 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 2013 national Performance Activity Measures.
<u>WQ-15a:</u> Percent of major dischargers in Significant Noncompliance (SNC) at any time during the fiscal year	National FY2013 Planning Target: <22.5%	Each State must provide written commitment in the PPA to address 2013 national Performance Activity Measures.

<u>WQ-16:</u> Number, and national percent, of all major publicly-owned treatment works (POTWs) that comply with their permitted wastewater discharge standards. (i.e. POTWs that are not in significant non-compliance)	National FY2013 Planning Target: 86%	Each State must provide written commitment in the PPA to address 2013 national Performance Activity Measures.
<u>WQ-19a:</u> Number of high priority state 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 2013, EPA intends to use a revised selection, commitment, and results calculation method to allow EPA to set a better baseline and improve the overall effectiveness of the measure.  National FY2013 Planning Target: 80%	Each State must provide written commitment in the PPA to address 2013 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 (UT, SD)		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  <b><i>Sustainable Water Infrastructure Background and Information.</i></b> <i>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.</i>	Sustainable Infrastructure Addendum to 2013 - 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 another integrated oversight review in FY2013.	

