



DEPARTMENT OF  
**ECOLOGY**  
State of Washington



# **Environmental Performance Partnership Agreement**

Washington State Department of Ecology  
U.S. Environmental Protection Agency

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State Fiscal Years 2016–2017  
July 1, 2015–June 30, 2017

Revised July 2015  
Publication No. 15-01-005



## Environmental Performance Partnership Agreement For July 1, 2015–June 30, 2017

*Between the Washington State Department of Ecology and  
the U.S. Environmental Protection Agency – Region 10*

We, the undersigned, Maia Bellon, Director for the Washington State Department of Ecology and Dennis McLerran, Regional Administrator for the United States Environmental Protection Agency, Region 10, enter into this Environmental Performance Partnership Agreement for the protection of Washington's air quality and water quality and sound management of hazardous waste.

This Agreement reflects the relationship between Ecology and EPA Region 10 – *a partnership with each other and with Washington's citizens in protecting, enhancing, and restoring our natural environment.* In this Agreement, we have identified clear environmental priorities and desired results.

Both Ecology and EPA Region 10 will exert their best efforts in the performance of this Agreement. Disputes regarding the performance of either party to this Agreement will be resolved, consistent with applicable regulatory dispute resolution procedures, at the lowest level possible within our organizations. If this is not feasible or successful, the next level for dispute resolution will be the managers responsible for the program area in question. The final level of appeal will be the Director of Ecology and Regional Administrator for EPA Region 10.

It is our belief that this Agreement will improve environmental protection in Washington State. In addition, we hope the Agreement communicates to local communities, tribal governments, and citizens our mutual goals and priorities for the 2015-2017 state biennium.

Signed,

Maia Bellon, Director  
Washington Department of Ecology  
Olympia, Washington 98504

DATE: 7/10/15

Dennis McLerran, Regional Administrator  
U.S. Environmental Protection Agency Region 10  
Seattle, Washington 98101

DATE: 7/30/15

## Publication and Contact Information

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- Ecology's website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1501005.html>
- EPA's website at <http://yosemite.epa.gov/R10/homepage.nsf/washington/washington-ppa>

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# Chapter 1. Performance Partnership Overview

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## Introduction

This Environmental Performance Partnership Agreement (Agreement) documents work commitments between the Washington State Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA). All aspects of this Agreement regarding EPA are managed through EPA Region 10, Seattle, Washington. This Agreement describes EPA-funded activities carried out by Ecology programs that address water quality, air quality, hazardous<sup>1</sup> waste, and nuclear waste. This Agreement covers July 1, 2015, to June 30, 2017, and does not restrict EPA or Ecology's legal oversight or enforcement authority.

Decisions made by Ecology and EPA are the basis for the commitments and plans in this Agreement. Before this Agreement is made final and signed by both parties, it is subject to a 30-day formal public review period. Comments received during this period and responses are provided in [Appendix A](#).

## Purpose

Ecology and EPA share responsibility to meet environmental and related public health priorities of Washington State. The purpose of this Agreement is to:

- Recognize mutual environmental goals, strategies, activities, and performance measures.
- Re-commit to maintain a core level of environmental protection for all of Washington's residents in a manner that supports and advances environmental justice.
- Use indicators that reflect environmental conditions, trends, and results to measure environmental progress.
- Collaborate on opportunities to advance children's health.
- Re-commit to collaborate with tribal partners and other states.
- Describe the joint RCRA Work Plan and resource allocations for managing the federal grant dollars that EPA provides to Ecology for air quality, water quality, and hazardous waste management.

## Budget Concerns

Ecology's budget has been reduced because of state revenue shortfalls for the past three cycles (six years) of these agreements. For this Agreement's period, we are hopeful for some stability—but do not yet have our budget. EPA also anticipates continued budget reductions during this same period. Combined, a reduction in capacity for many of the core activities by both agencies addressed in this Agreement is likely. Specific reductions and impacts will not be clear until later in calendar year 2015, after this Agreement is signed and put into action.

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<sup>1</sup> Washington law uses the term *dangerous* waste. Federal law uses the term *hazardous* waste. Washington's definition of dangerous waste includes some wastes that are not included in the federal definition. For this Agreement, the term *hazardous waste* is used, respecting the distinction between the two terms.

To address the time lag between signing and defining this Agreement's budget details and implications, both agencies agree to meet by the end of calendar year 2015. The meeting(s) will address specific budget cuts and related activities that may require adjustments to this Agreement's plans and commitments. If other budget adjustments are made during the period of the Agreement, both agencies will meet as needed to coordinate related impacts, activities, and deliverables.

## **Overarching Goals and Objectives**

As part of this Agreement, EPA and Ecology recognize the following overarching goals and objectives. Although not always specifically addressed within this Agreement's details, they are still core values to the Agreement and both agencies. They are tied to EPA's National Environmental Performance Partnership Guidance (2013), available through EPA. The goals and objectives are:

### **Goal 1: Conduct joint strategic planning that reflects performance partnership principles.**

- Identify opportunities for enhanced work sharing, resource and workload flexibility, and phased implementation of program requirements, especially where budget reductions have negatively affected states' programs.
- Identify and pursue collaborations to improve Ecology-EPA business processes. Promote continuous improvement (for example, by applying Lean, Kaizen, Value Stream Mapping, Six Sigma, and/or similar techniques).
- Use this Agreement to organize and articulate mutual compliance and enforcement priorities and plans.
- Advance performance partnership principles through effective collaboration with Ecology on policy and implementation issues, making full use of the issue resolution process to ensure that requests for flexibility and innovation are addressed and resolved at the highest levels needed.

### **Goal 2: Support EPA's current priorities.**

- Leverage funds and activities to advance children's health.
- Advance environmental justice by improving environmental conditions and public health in minority, low-income, and other vulnerable communities.
- Explore creative new ways to partner with tribes that will augment the progress made through this Agreement.

### **Goal 3: Support Ecology's Strategic Framework.**

- Protect and restore land, air, and water.
- Prevent pollution.
- Promote healthy communities and natural resources.
- Deliver efficient and effective services.

### **Goal 4: Foster programmatically sound and fiscally responsible grant management practices.**

## **What is Not Covered in this Agreement**

This Agreement is between Ecology and EPA only.

- EPA-funded programs managed by the Washington State Department of Health and the Washington State Department of Agriculture are not subject to this Agreement.

- Indian Country and tribal resources are also not covered under this Agreement. The state and EPA have, and will continue to develop separate environmental agreements with individual tribes. Still, Ecology and EPA recognize that collaboration with individual and regional tribes is important for better environmental management, as well as for advancing environmental justice.

Ecology and EPA will continue coordinated work on a number of other commitments not included in this Agreement. Many of those commitments are referenced within this Agreement’s program-specific chapters. Those commitments include, but are not limited to:

- Requirements under the Endangered Species Act
- Approval of the National Pollutant Discharge Elimination System (NPDES) Program
- State Revolving Loan Fund Operating Agreement
- State Revolving Loan Fund Intended Use Plan
- National Estuary Programs
- Nonpoint Source Annual Report
- Water Quality Management Plan to Control Nonpoint Source Pollution
- Operating Agreement for Clean Water Act Section 319 Nonpoint Source Grants Management
- Enforcement Response Policy for Resource Conservation and Recovery Act
- Resource Conservation and Recovery Act Memorandum of Agreement

## **Ecology’s Primary Programs Covered in this Agreement**

Three Ecology programs: Air Quality, Water Quality, and Hazardous Waste and Toxics Reduction, are the primary recipients of EPA funds to carry out the work addressed in this Agreement. These programs are either delegated or authorized by EPA pursuant to the following respective federal laws: The Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act (RCRA).

Ecology’s Industrial Section, within the Waste-2-Resources Program, and the Nuclear Waste Program also conduct activities covered by these same federal laws. Those activities are also covered by this Agreement.

Ecology programs carry out many other activities and administer many other laws that are not covered by this Agreement. Those activities are funded by other means, including some from EPA, but not by the grants specific to this Agreement.

## **Priorities**

During this Agreement, Ecology and EPA will focus on these key priorities:

### **Environmental Priorities**

- Reducing toxic threats
- Managing our water
- Protecting and restoring Puget Sound
- Hanford
- Climate change



### Performance Management Priorities

- Increase efficiencies and minimize wasted efforts.
- Explore improved ways to partner.
- Make timely decisions.
- Maintain open, creative, and positive communication.
- Accurately measure performance and communicate results to the public.
- Ensure accountability.
- Apply flexible and innovative strategies to achieve environmental results.

## Ecology’s and EPA’s Planning Processes

Ecology’s and EPA’s planning processes start with broad strategic goals and end with specific work plans to implement those goals. The chart below shows the different steps and how they relate to each other.

<b>Relationship Between EPA’s and Ecology’s Planning Processes</b>	
<b>EPA</b>	<b>ECOLOGY</b>
<p align="center"><b>Strategic Plan</b></p> <p>EPA’s national Strategic Plan provides the over-arching framework for EPA’s major planning, budgeting, and priority-setting processes. It is a five-year plan that guides annual goals.</p> <p align="center">↓</p>	<p align="center"><b>Strategic Plan</b></p> <p>Ecology establishes priorities and framework at least every two years for program planning and budgeting. More frequent adjustments are required in many cases.</p> <p align="center">↓</p>
<p align="center"><b>Annual Plan &amp; Budget</b></p> <p>EPA links its annual planning and budget to its five-year plan. This establishes annual performance targets and funding levels for each fiscal year.</p> <p align="center">↓</p>	<p align="center"><b>Biennial Budget</b></p> <p>The budget is developed every two years and adjusted annually. It links program plan activities and the budget to the strategic plan’s priorities and objectives.</p> <p align="center">↓</p>
<p align="center"><b>Regional Plan</b></p> <p>Developed at the regional level, this Plan links regional activities to EPA’s national objectives. This is a basis for negotiating annual performance commitments with EPA headquarters.</p> <p align="center">↓</p>	<p align="center"><b>Biennial Program Plans</b></p> <p>Ecology program plans are developed every two years with the biennial budgets. They establish goals, objectives, and performance targets and set the basis for performance measurements.</p> <p align="center">↓</p>
<p align="center"><b>Performance Partnership Agreement</b></p> <p>This is developed in partnership to:</p> <ul style="list-style-type: none"> <li>• Show the results of joint planning and priority setting efforts between the two agencies.</li> <li>• Evaluate environmental conditions and program needs.</li> <li>• Agree on priorities covered within the Agreement’s scope.</li> <li>• Devise strategies to address priority needs.</li> <li>• Determine roles and responsibilities.</li> <li>• Determine how to measure progress.</li> </ul>	

## **Tribal Relations**

Ecology and EPA have important relationships with federally recognized Indian tribes. The federally recognized tribes are sovereign nations with regulatory authority within Indian Country. Their rights and resources are reserved by these treaties or by other means. The U.S. government has a unique trust responsibility to these tribal governments through treaties, state and federal laws, executive orders, and court decisions. Relationships with Indian groups and communities that are not federally recognized as tribes are also important to our agencies, but do not include the same trust or treaty agreements or equivalent laws.

Indian Country and tribal trust resources are not addressed within this Agreement. This Agreement is not intended to define or modify tribal relationships. Ecology and EPA have, and will continue to develop, separate environmental agreements with individual tribes outside of this Agreement. However, in mutual recognition of tribal collaboration as part of this Agreement, EPA and Ecology will continue to provide each other with copies of our respective environmental agreements with the tribes upon request.

The EPA Indian Policy established in 1984 commits EPA to operate in a government-to-government relationship with Indian tribes. The policy supports the self-government principle for tribes that manage federal environmental programs in Indian Country. When other agencies implement environmental programs, EPA emphasizes the importance of working with tribes. EPA also encourages cooperation between state, tribal, and local governments to resolve environmental issues of mutual concern. It is very important for Ecology and EPA to work with tribes to address Endangered Species Act issues related to the current and proposed listings of several species in Washington State.

The historic Centennial Accord, signed by tribes and the State of Washington in 1989, commits the parties to a heightened level of mutual government-to-government cooperation. Ecology's Centennial Accord Implementation Plan is available on the Governor's Office of Indian Affairs website: [www.goia.wa.gov/Government-to-Government/CentennialAgreement.html](http://www.goia.wa.gov/Government-to-Government/CentennialAgreement.html). In addition, Washington State law, Chapter 122, Laws of 2012, State-Tribal Relationship – Indian Tribes, directs state agencies to make reasonable efforts to collaborate with Indian tribes in the development of policies, agreements, and program implementation that directly affect them.

### **Ecology-Tribal Environmental Council**

The unique legal status of tribes and presence of tribally reserved rights and cultural interests throughout Washington creates a special relationship between tribes and Ecology. Consequently, under the Centennial Accord, tribes and the state established the Ecology-Tribal Environmental Council. The Council brings together policy leaders from tribes and Ecology quarterly, to discuss natural resource issues of statewide concern. Due to federal laws and inherent tribal sovereignty, each reservation in Washington constitutes a bordering jurisdiction for environmental purposes. Ecology is committed to working with tribes and EPA across jurisdictional borders to establish and support compatible standards and cooperative and coordinated programs where appropriate.

### **EPA Grants to Ecology**

This Agreement includes joint Ecology and EPA activities related to air quality, hazardous waste management, and water quality.

Ecology is *delegated* by EPA to administer Clean Air Act and Clean Water Act activities addressed in this Agreement. Those activities are funded in part through EPA’s consolidated “Performance Partnership” grant. Ecology is *authorized* to administer the Resource Conservation and Recovery Act (RCRA) regarding hazardous waste management activities, also addressed in this Agreement. Reflecting this legal difference between “delegation” and “authorization,” Ecology receives a RCRA grant that is separate from the Performance Partnership grant. For the remainder of this Agreement, the terms “delegated” and “authorized” are considered the same for general purposes, respecting there is a legal distinction between the two terms.

This Agreement does not cover all Ecology work funded by EPA grants. The table below lists the grants that are included in this Agreement (not including Ecology matching funds).

### **Agreement Grants – Fiscal Years 2016–2017**

<b>ECY #</b>	<b>EPA #</b>	<b>Ecology Title</b>	<b>EPA Catalog Title</b>	<b>Estimated EPA Grant Amount</b>	<b>End Date</b>
<b>Air Quality</b>					
FB00	66.605	Air Grants	Performance Partnership Grant	\$6,929,047	6/30/17
<b>Hazardous Waste Management</b>					
M221	66.801	Hazardous Waste RCRA FY16-17	Hazardous Waste Management Support	\$3,637,736	6/30/17
<b>Water Quality</b>					
FB00	66.605	Water Grants	Performance Partnership Grant	\$10,856,947	6/30/17

### **Performance Partnership Grant**

The purpose of the Performance Partnership Grant is to:

- Reduce administrative burden by consolidating several air and water grants into one.
- Increase the flexibility to reallocate resources between grants and programs to meet the highest environmental priorities in the state.

Funding sources for the Performance Partnership Grant include the:

- Surface Water 106 Grant (Basic Water Grant)
- Groundwater 106 Basic Grant
- Groundwater Pesticides Grant
- Underground Injection Control Grant
- Clean Air Act Section 105 Base Grant

### **RCRA Grant**

Hazardous waste activities described in this Agreement are funded in part by a federal Resource Conservation and Recovery Act 3011 grant to Ecology. The RCRA grant is separate from the Performance Partnership Grant.

# Assessment Process

All elements of this Agreement are important to both agencies and will be open to assessment, enhancement, and correction as needed.

Ecology and EPA will regularly, together and independently, assess the progress of the specific activities covered in this Agreement. These assessments will focus on activities subject to the air quality, water quality, and hazardous waste elements funded by the grants noted above. Other parts of the Agreement will be open to assessment as the need arises.

Assessments of the funded elements of the Agreement will identify any actions needed to assure success and compliance with the Agreement. Ecology and EPA will use the regular assessments to consider work adjustments, and if necessary, amend the Agreement. If a formal amendment is needed, there will be a public review and comment process prior to its completion.

At the midterm of the Agreement (by August 2016), Ecology and EPA will post a basic, summary **midterm assessment** of the Agreement's progress for public review. Because it will be an overview only, the midterm assessment will include current contact information at both agencies for further information on the Agreement's assessment process and details. This is meant to ensure easy and timely public access to specific information on the progress of the work carried out under the Agreement. This also minimizes staff time needed to prepare and write a detailed report on the assessments.

The midterm assessment will include the following elements:

- **Compliance:** Are Ecology and EPA in compliance with the Agreement?
- **Budget implications:** Are budget constraints impairing the Agreement's work?
- **Effectiveness:** Does the work covered in the Agreement apply resources to the highest environmental priorities and improve environmental outcomes?
- **Public access to review and engage:** Does the work covered in the Agreement advance environmental justice, community access, and public engagement related to that work?
- **Fiscal soundness and program accountability:** Are the funds used for the Agreement managed in an efficient, legal, effective, and economical manner?
- Significant accomplishments or critical changes needed relative to the Agreement

Approximately 18 months into this Agreement's term (early 2017), the combined assessments will form the basis for the next agreement's priorities and negotiations. That will help ensure accountability for this Agreement's completion and continuity with the next agreement's priorities. As with this Agreement's finalization, public review and comment will be part of the next agreement's finalization, before this Agreement expires.

The midterm assessment in 2016, combined with the next public review/comment process in 2017, provide annual (at least) assessments relative to this Agreement. As always, both agencies welcome questions about the Agreement's activities, including these assessments, at all times.

# Chapter 2. Quality Assurance

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## Introduction

It is critical for Ecology to generate and use environmental data of understood and usable quality, as we assess and report on the condition of the air, water, and land to understand problems and take corrective actions. This is necessary to support, among others, key priorities such as:

- Reducing toxics threats.
- Restoring Puget Sound.
- Managing Washington's water.
- Facing climate change.
- Preserving Washington's shorelands.
- Generating environmental data of known and usable quality.

Most of EPA's grant money to Ecology requires certification that Quality Assurance Plans are developed and implemented. This ensures the millions of dollars spent on environmental sampling and analysis, analysis of existing data, and environmental modeling provide data of known quality that is usable for its intended purpose.

Quality assurance requirements for grants and cooperative agreements to state and local governments are implemented in U.S. law (40 CFR Part 31, and quality assurance requirements for State and Local Assistance in 40 CFR Part 35). The following paragraphs describe how Ecology will continue to meet those requirements.

## Quality Assurance Policies

Ecology has implemented several agency-wide policies specifying quality assurance activities.

- **Ecology Policy 22-01 - Establishing Quality Assurance** – Requires the development and approval of Quality Assurance Project Plans (QAPPs) for all projects that generate or use environmental data, including modeling efforts before the projects begin. It also establishes the documentation of the quality system in Ecology's Quality Management Plan (QMP).
- **Ecology Policy 22-02 - Requiring the use of Accredited Environmental Laboratories** – Requires the use of accredited labs and analytical methods for all data accepted by or generated by Ecology. Ecology's Lab Accreditation unit supports this quality requirement.
- **Water Quality Program Policy 1-11 Chapter 2/Environmental Assessment Program Policy 01-09 Ensuring Credible Data for Water Quality Management** – Establishes a set of rigorous quality requirements. This policy applies when data is submitted to Ecology related to water quality standards, 303d assessment, and Total Maximum Daily Load (TMDL) allocations.

# Quality Management Plan

Ecology's QMP was last revised in October 2010, to conform to EPA's format and requirements and to align Ecology's plan with EPA's approach to environmental data quality. This QMP was approved by EPA Region 10's Quality Assurance Manager and, based on that approval, Ecology was delegated the authority to review and approve QAPPs based on procedures documented in the QMP. The QMP is approved by EPA on a five-year cycle, and the next revision is expected to be submitted to EPA in September 2015.

## SOP and QAPP Implementation

Over the past nine years, Ecology has developed an extensive set of SOPs for field sampling and field analytical techniques. This is in addition to SOPs maintained by Manchester Environmental Laboratory, and the various Ecology Programs (e.g., storm water sampling and Ecology's Watershed Health initiative). All-in-all, there are over 225 SOPs in use, with an additional 20+ in development.

Ecology has also developed a recertification program for these SOPs. Each SOP is reviewed and recertified on a three-year cycle. Thirty-four SOPs are scheduled to be recertified in calendar year 2015.

In response to recommendations made by EPA after its last audit of Ecology's QA program (2012), staff has drafted and tested a field audit form and a corrective and preventive action notice (CPAN) form. The former is well-suited for field projects but is less useful for audits of projects that involve analysis of existing data (e.g., GIS analysis) or environmental modeling. The latter form has been used successfully to document QA-related problems associated with approximately a dozen NEP-funded projects and identify ways to prevent those problems from recurring. In some cases, the CPAN forms have been sent to responsible parties for their acknowledgement signature.

In response to EPA's new competency policy,<sup>2</sup> Ecology has also begun the planning for and implementation of a sampler certification program. Samplers will demonstrate competency on the various SOPs they use in their work. Our QAPP format has been revised to include a section on sampler experience and qualifications as an indicator of competency.

QAPPs are a critical component of Ecology's QA system. We have revised much of our QAPP documentation, including a new template, which includes guidance language for many topic areas. The QAPP format has been enhanced to provide a more comprehensive and detailed document. Finally, the QAPP review checklist has been updated to assist reviewers handle the new, more detailed QAPPs.

Ecology has recommended this new format for use by both the National Estuary Program's regional Puget Sound grantees. It has also been used for Ecology Water Quality grantees. The format has been used successfully by many grantees including:

- Clallam, King, Kitsap, and Snohomish County health departments
- Hood Canal Coordinating Council
- WDFW and WDNR
- University of Washington

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<sup>2</sup> Policy to assure the competency of organizations generating environmental measurement data under agency-funded assistance agreements or interagency agreements.

# National Estuary Program (NEP) Addendum to 2010 QMP

In 2011 Ecology developed an addendum to the most recent QMP. This addendum documented Ecology's new role in assuring quality for the NEP. Ecology has agreed to provide quality assurance oversight for all QAPPs developed for Puget Sound NEP grants. The program has been in place for almost two years, and as of January 1, 2015, we have approved 105 QAPPs, approved 143 QAPP waivers, and conducted 17 audits and several trainings in support of the NEP program.

## Status Reports

Ecology's QMP specifies that the Quality Assurance Officer must prepare a status report for management every three years. This status report also includes recommendations for improvements in the QMP and its implementation. The document, *Washington State Department of Ecology Quality Report to Management* (or QRM, July 2009–June 2012) is available at [www.ecy.wa.gov/programs/eap/quality.html](http://www.ecy.wa.gov/programs/eap/quality.html).

The next QRM is expected to be issued before the end of calendar year 2015.

## EPA Audits

The EPA Region 10 Quality Assurance and Management Unit perform audits of approved state environmental programs. Ecology's most recent audit in March 2012 resulted in no findings by the EPA quality reviewers, indicating that the Ecology quality system was being implemented in an acceptable manner. The audit recommended development of greater capacity for conducting internal audits as well as identifying and documenting corrective actions. The next EPA system audit is anticipated to occur in September 2015.

## QA Training

Ecology QA has conducted several trainings over the past two years. These include:

- Seminars on upcoming changes to the Ecology QA system, to better align with EPA requirement.
- Seminars on sampler certification and the EPA Organizational Competency (FEM) initiative.
- Extensive training for NEP grantees on QAPP requirements and the QAPP waiver process.
- Training on the new Ecology QAPP Template/Guidance Document.

### Performance Management Priorities

- Increase efficiencies and minimize wasted efforts.
- Explore improved ways to partner.
- Make timely decisions.
- Maintain open, creative, and positive communication.
- Accurately measure performance and communicate results to the public.
- Ensure accountability.
- Apply flexible and innovative strategies to achieve environmental results.

# Chapter 3. Information Management

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## Introduction

Ecology and EPA recognize that easy access to quality information plays an important role in helping both agencies achieve their environmental goals. Finding solutions to current environmental problems require the accurate and efficient capture, query, presentation, and sharing of data. It is also important to protect and secure this data.

## Data Sharing

High quality information must be readily shared among the growing number of interested organizations and individuals. This requires information systems that are easy to access, integrated (facilities, permitting, compliance, etc.) and cross-program or cross-agency in nature (water quality/quantity, hazardous/toxic/solid waste, and air, etc.) to support scientific and administrative business needs. Both Ecology and EPA Region 10 continue to expand data sharing resources with the goal to make that data easily accessible to everyone.

In the same manner, both agencies will foster more data sharing with tribes, communities, local and regional governments. Ecology and EPA recognize this as a basic part of advancing environmental justice. For information about Ecology's many publicly accessible databases, please see [www.ecy.wa.gov/database.html](http://www.ecy.wa.gov/database.html). More information about access to EPA's data is on the Region 10's homepage at [www.epa.gov/aboutepa/region10.html](http://www.epa.gov/aboutepa/region10.html).

## Data Integration

Ecology and EPA will continue to develop and support common architectures and data standards to better organize, manage, and integrate the region's environmental data. This effort will help ensure the data is readily accessible for cross-program or cross-agency analysis. At Ecology, this work continues through its Information Technology (IT) Steering Committee responsible for the:

- IT strategic planning, policies, and priorities.
- Ongoing development of enterprise architecture.
- Ongoing implementation and support of the Exchange Network (EN).

## National Environmental Information Exchange Network

EPA and Ecology will cooperate in the development of the Exchange Network (EN). EPA is committed to working with and providing resources to Ecology for the development of protocols necessary to expand the number of data flows to priority national data systems via the EN. It is EPA's goal that all of Ecology's national data flows report to EPA's Priority National Data Systems via the Data Exchange Network. Ecology met this goal and both agencies will continue to work together on data flows.

During 2014–2015, Ecology and EPA completed the exploration of the options, technical issues, and logistics required to transfer data from Ecology's underground injection control (UIC) database to the national UIC database system and implement a data flow. Ecology will prepare and upload the UIC data as well as 303(d) listing data to EPA's Central Data Exchange Network in fiscal year 2016.



# Chapter 4. Environmental Justice

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## Introduction

One of the goals of Ecology is to promote healthy communities. To this end, Ecology is committed to the principles of environmental justice and shares the EPA's goal "to provide an environment where all people enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work."

Both agencies will collaborate and coordinate to identify opportunities to advance environmental justice in Washington State. This ongoing effort will be led by the agencies' respective environmental justice coordinators within available resources. The environmental justice coordinators for each agency will administer the tasks described in this chapter.

For more information about environmental justice work in the respective agencies, contact:

### **Department of Ecology:**

Millie Piazza, Environmental Justice Coordinator

Phone: (360) 407-6177 E-mail: [millie.piazza@ecy.wa.gov](mailto:millie.piazza@ecy.wa.gov)

### **EPA Region 10:**

Running Grass, Environmental Justice Regional Coordinator

Phone: (206) 553-2899 E-mail: [Grass.Running@epamail.epa.gov](mailto:Grass.Running@epamail.epa.gov)

## Environmental Justice Activities

### **Compliance with Title VI**

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin, including limited English proficiency (LEP), by recipients of federal financial assistance. To help achieve compliance with Title VI, the EPA and Ecology will establish ongoing communication about emerging Title VI guidance and policies from the EPA and opportunities for Title VI training. Ecology and the EPA will continue to develop clear, compliant, and trackable practices to address Title VI obligations. Title VI requirements also apply to recipients of funding from Ecology.

One obligation under Title VI is to provide meaningful access to individuals with limited English proficiency. Ecology is developing Limited English Proficiency guidelines to help ensure that Ecology's actions do not have discriminatory effects against populations with limited English proficiency. EPA will continue to provide guidance and, as available, training on Title VI compliance related to language access.

### **Regional Environmental Justice Coordination**

The EPA and Ecology agree to communicate about regional environmental justice (EJ) issues, areas of emerging concern, and areas for focused EJ actions that have been prioritized by the agencies.

### **Monthly Region 10 EJ Update and Western States EJ Calls**

The EPA and state environmental agency EJ coordinators in Region 10 (Washington, Oregon, Alaska, and Idaho) will participate in monthly calls or meetings to share information about current EJ issues, activities, and events. These calls are convened and facilitated in rotation among participants. The monthly

Western States EJ calls are convened and facilitated by the EPA. The goals of both calls are to increase knowledge, resource sharing, and collaboration on EJ issues. Topics may include funding, organizational changes, national developments, potential and recognized communities where EJ factors may exist, and other intergovernmental EJ activities.

## **Data Sharing/Mapping**

Each agency will share data and access to tools that help better identify environmental justice factors and concerns in Washington's communities. A primary goal of this on-going effort is to better track and gauge environmental justice progress across the state. The EPA and Ecology will review available demographic and environmental data to identify and prioritize work in areas with EJ concerns. This includes using emerging mapping tools such as the EPA's EJSCREEN to identify communities that are potentially overburdened. As available, the EPA will provide training on EJSCREEN and guidance on integrating this tool into the agency's work. The EPA and Ecology will work together to address questions and concerns related to EJSCREEN queries.

Another goal related to this information sharing effort is to make both agencies' data better understood by, and more accessible to, the public. This goal reflects the commitment of both agencies to government transparency, and strives to improve community outreach and partnerships. Outcomes from this goal will include community education on how to better access, understand, and use data reflecting their communities' environment. Data examples include air and water quality reports, locations of permitted activities, contaminated sites, cleanup efforts, and the Toxic Release Inventory.

Additionally, the agencies' EJ coordinators will also assess common agency activities that could benefit from resource and data sharing. This will help determine which, if any, tools or resources may enhance agency activities that can be associated with environmental justice factors, such as:

- Public outreach and education
- Enforcement
- Rule making
- Permitting
- Site cleanup
- Technical assistance
- Complaint response
- Compliance monitoring

## **Public Networking**

As time and resources allow, the EPA and Ecology will collaboratively host an EJ networking meeting in the state. The goal of the meeting is to share environmental justice oriented information and approaches and learn from each other. Both agencies will work together on efforts to build community partnerships and conversations through this networking. Activities may include hosting events focused on providing learning opportunities and training on issues related to environmental justice, children's health, and health disparities. These events are not to replace or substitute for statewide or site-specific public outreach, permitting, rule making, or similar public engagement activities required by either agency.

## **Training**

Both parties recognize the mutual value of coordinated, shared EJ training opportunities. The goal is to foster joint EJ training for each agency's EJ staff, general work force, and management. The EPA will welcome Ecology staff to attend and participate in Region 10 EJ training opportunities. Likewise, Ecology will welcome the EPA's participation in EJ training opportunities it sponsors.

One element in particular to be reviewed in these trainings will be the relationship to the EPA and Ecology's activities, their funding, and Title VI of the Civil Rights Act of 1964. This will help ensure Title VI compliance, and also remind staff of this relationship to EJ principles and our agencies' proper management of federal resources. Both parties will also track and coordinate other EJ training opportunities, such as those sponsored by local communities, academic institutions, and other agencies.

## **Climate Change**

The impacts of climate change may disproportionately impact populations who have limited access to resources, are economically vulnerable, and are physically isolated. People with health and age considerations may also be at increased risk from climate change effects. Ecology and the EPA will work together to track these risks using evolving climate change scenarios such as those described by the Intergovernmental Panel on Climate Change. Ecology and the EPA will also work to develop statewide and regional emergency planning guidance that addresses populations with limited English proficiency, high risk, and environmental justice concerns.

## **Children's Health**

Both agencies are committed to the protection of children's health from environmental contaminants. Although this Agreement does not address activities specific to protecting this disproportionately impacted population, it does affirm the overarching awareness of the commitment. Both agencies have multiple efforts, including and beyond those covered in this Agreement, that align with protecting children's health. Both agencies will network, coordinate, and mutually support those efforts for the protection of children's health.

The EPA and Ecology will coordinate across children's health counterparts within the EPA's children's health program and related Ecology efforts. These counterparts will exchange information (articles, research, internal efforts, etc.) regarding: Washington's Children's Safe Products Act, children's environmental health issues, related grant opportunities, related activities with a potential for joint or coordinated involvement, and networking with other state agencies on this issue.

# Chapter 5. Compliance Assurance

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## Introduction

In order to get better, improved environmental benefits, Ecology and EPA rely on both traditional regulatory approaches as well as innovative methods to ensuring compliance. Ecology and EPA share a desire for a strong compliance assurance program that achieves environmental protection by:

- Identifying compliance problems
- Providing technical assistance
- Taking appropriate actions against violators
- Deterring future violations
- Ensuring a level playing field for law-abiding companies
- Offering incentives to comply

## Compliance Principles

Enforcing environmental laws is an integral part of EPA's Strategic Plan to protect human health and the environment. EPA works to ensure compliance with environmental requirements and, when warranted, civil or criminal enforcement action.

EPA's overall national enforcement goals focus on civil and criminal enforcement for violations that threaten communities and the environment; greater compliance and protection through use of advanced monitoring and information technologies; and strong EPA/State/Tribal partnerships for working together toward shared environmental goals. EPA is committed to working closely with Ecology to implement national and regional enforcement goals, as well as to ensure a strong and effective state compliance and enforcement program.

Ecology and EPA Region 10 will coordinate their respective compliance and enforcement efforts in order to maximize results with available state and federal resources. Coordination will occur through:

- Collaborative planning
- Performance measurement and oversight
- Information sharing and data responsibilities

## Consideration of Economic Benefits of Non-Compliance

When issuing environmental penalties, EPA is directed to consider the economic benefit of non-compliance when making a penalty assessment. EPA's policy on the issuance of environmental penalties includes directing regulators to recoup the economic benefit of non-compliance in penalty assessments.

EPA expects Ecology to consider economic benefit as part of penalty calculations, and will evaluate Ecology on its implementation of this policy under the State Review Framework. EPA has developed a computer program called BEN model for optional use in calculating non-compliance economic benefit. Ecology's Compliance Assurance Manual (July 2003) includes a statement that Ecology should consider economic benefit in their penalty calculations when appropriate to do so.

## Alternative Methods of Achieving Compliance

Ecology is involved in many activities intended to assure compliance with applicable environmental laws and regulations. These include traditional enforcement and compliance activities such as inspections, fines, and other types of penalties along with:

- Alternative inspections
- Compliance assistance initiatives
- Technical assistance
- Educational programs
- Public awareness and notification
- Pollution prevention

Ecology's Compliance Assurance Manual includes a statement that enforcement tools may be used "when efforts to achieve voluntary compliance are unsuccessful." Each program uses a number of different approaches to achieve compliance.

In addition, EPA's national enforcement goals include working to identify, pilot, and implement new "Next Generation" approaches to compliance monitoring. "Next Generation" tools include advance monitoring techniques to ensure compliance, more effective rules, and use of public awareness to provide incentives to comply with environmental laws. EPA is working with Ecology and other state, tribal, and local partners to support "Next Generation" approaches.

## Evaluating Compliance Assurance Programs

EPA and the Environmental Council of States (ECOS) together have developed a process and method, called the State Review Framework (SRF), for evaluating state compliance and enforcement programs for air, water, and hazardous waste. EPA reviews Ecology's enforcement programs under this framework every year using data metrics; full SRF reviews with both data metric analysis and file reviews occur approximately every 4–5 years. EPA works with Ecology to develop plans to address any necessary improvements. EPA is scheduled to begin the next review of Ecology programs starting in 2016. The SRF complements other regular oversight and partnership activities by EPA and Ecology including oversight and joint inspections, planning meetings, case referrals, management of tips and complaints, etc. Ecology will address areas of improvement and areas that need attention as identified in the 2013 final report.

# Chapter 6. Mutual Priorities for EPA and Ecology

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## Introduction

This chapter focuses on five major strategic priorities for both agencies over the next two years. Recognizing there are many other mutual priorities, these five are highlighted because of their unique complexities, substantial challenges, and because they rely upon strategic, multi-agency coordination to achieve success. These priorities require focused energy and creative leadership by both agencies, along with our many partners, to make real progress on protecting human health and the environment, and improving our quality of life. The five mutual priorities are:

1. Reducing toxic threats
2. Managing our water
3. Protecting and restoring Puget Sound
4. Hanford
5. Climate change

For more information about these and other high priorities, please see these agency websites.

- [U.S. Environmental Protection Agency, Region 10](http://www2.epa.gov/aboutepa/epa-region-10-pacific-northwest): [www2.epa.gov/aboutepa/epa-region-10-pacific-northwest](http://www2.epa.gov/aboutepa/epa-region-10-pacific-northwest)
- [Washington State Department of Ecology](http://www.ecy.wa.gov): [www.ecy.wa.gov](http://www.ecy.wa.gov)

## Reducing Toxic Threats - [www.ecy.wa.gov/toxics/index.htm](http://www.ecy.wa.gov/toxics/index.htm)

Washington is a national leader when it comes to enacting and implementing policies to clean up, manage, and prevent problems caused by the ongoing use of, and exposure to, toxic substances throughout our economy. Yet toxic substances and pollutants continue to pose risks to human health and the environment. They are in our air, water, and soil, and in our bodies. Some toxic chemicals impair development, some affect reproduction, some disrupt our body chemistry, and some cause cancer. Some chemicals have limited impacts on humans but can be devastating to fish or other species. Of the tens of thousands of chemicals in use today, we know about the toxicity of very few. And we know even less about the combined effects of all these chemicals.

Many environmental programs in Ecology and EPA are working to reduce toxic threats in one way or another. We have well established and effective programs to clean up and manage toxic substances. However, these programs were not designed to prevent many of the point or nonpoint releases of toxics that we are now finding to be problematic. While EPA has some authority to regulate toxic substances in products through the Toxic Substance Control Act (TSCA), it is used very infrequently.

At the state level, Ecology is working to integrate and balance three ways of reducing toxic threats:

1. Prevent toxic substances from being used in the first place.
2. Limit or manage the amount of toxic substances that are put into the environment.
3. Clean up after toxic substances have polluted air, land, water, or sediment.

Ecology continues to refine permitting and compliance work to improve our ability to manage ongoing toxic releases. Both agencies continue to address the legacy left behind from the release of toxic

substances through our cleanup programs. But ultimately, prevention programs are the smartest, cheapest, and healthiest approaches to reducing toxic threats.

While continuing the investments in cleanup and management, Ecology has adopted the following goals for preventing toxic contamination:

- Improve our ability to protect the most vulnerable human and wildlife populations.
- Avoid preventable future impacts and costs.
- Promote a strong, protective federal chemical policy and preserve the state's ability to innovate in this area.
- Create a systems approach to reducing toxic threats that is effective, fair, and economically feasible.
- Reduce and phase out the use of the worst of these toxic substances, known as PBTs or persistent, bioaccumulative, and toxic substances.
- Promote technological innovation and solutions.
- Increase compliance and enforcement of laws to limit or manage the use of toxic substances.
- Pursue innovative cleanup.
- Educate the public.

Both agencies are involved in remediating pollution at many toxic cleanup sites around the state. In addition to this work, both parties look forward to continued coordination where there are opportunities to minimize exposure to toxic threats in Washington's environment, including:

- Sharing data on hazards and risks of emerging toxic chemicals.
- Participating in development of the Chemical Action Plan for PCBs.
- Continuing support for establishment of a national mercury repository.
- Encouraging research on safer alternatives to halogenated flame retardants.
- Developing incentives to encourage the reduced use of toxics in manufacturing.
- Identifying safer alternatives.
- Continuing leadership of the Columbia River Toxics Workgroup.
- Supporting comprehensive reform of TSCA.

## **Managing our Water** - [www.ecy.wa.gov/managingwater/index.html](http://www.ecy.wa.gov/managingwater/index.html); [www2.epa.gov/aboutepa/epa-washington](http://www2.epa.gov/aboutepa/epa-washington)

As this Agreement is renewed, water management issues and their related challenges continue to be a high priority. Both agencies are committed to active collaboration and progress at addressing water management priorities. Water management is also directly tied to the other mutual priorities noted in this chapter: reducing toxic threats, Puget Sound, Hanford, and climate change.

Within EPA's website specific to Washington State, 12 of the 22 high-profile linked topics are about some aspect of managing Washington's waters (at the time of this Agreement's signature). Likewise, Ecology's website also provides links to over a dozen water-related topics managed by the agency. While much of the cited work and priorities are not directly tied to work carried out under this Agreement, many are impacted by or subject to program specific activities that are covered elsewhere in

this Agreement. For all of these reasons and issues, managing Washington's waters will remain a priority for EPA and Ecology during the period of this Agreement.

## **Protecting and Restoring Puget Sound -**

[www.ecy.wa.gov/puget\\_sound/index.html](http://www.ecy.wa.gov/puget_sound/index.html)

EPA and Ecology are dedicated to the protection, cleanup, and restoration of Puget Sound. Puget Sound was the first of the estuaries of national significance named in EPA's National Estuary Program in 1987 and is one of the few estuaries in the United States with a dedicated appropriation in the federal budget. This recognition of the national importance of Puget Sound enables EPA to focus dedicated federal funds to Puget Sound cleanup goals and restoration efforts.

The state of Washington established the Puget Sound Partnership in 2007 to succeed the Puget Sound Action Team and to reinvigorate the restoration and protection of Puget Sound. The Puget Sound Partnership recently updated the Action Agenda for Puget Sound in May 2014. The Action Agenda is a blueprint for restoring Puget Sound to a healthy state by 2020.

This Agreement highlights some key activities that EPA and Ecology will focus on in Puget Sound over the next two years. This is not intended to be a comprehensive list of activities but a highlight of key actions.

### **Puget Sound Priorities for EPA and Ecology**

EPA and Ecology have jointly agreed to focus major resources towards restoring and protecting the water quality within the Puget Sound Watershed. EPA selected Ecology in 2010 to be the "Lead Organization" to manage two areas of grant funding: (1) watershed protection and restoration, and (2) toxics and nutrients prevention, reduction, and control. Lead Organizations are funded through the federal National Estuary Program as funds are appropriated to implement priorities of the Action Agenda. This grant funding will end in 2015, so Ecology and EPA will need to look for continued partnership opportunities moving forward.

Starting in 2016, the Puget Sound Action Agenda and National Estuary Program funding model are both being updated to focus on stormwater, shellfish, and habitat. The Department of Ecology, working with local, tribal, federal, state, private, and nonprofit partners is helping the EPA and Puget Sound Partnership in this transition process through calendar year 2015.

Discussed in the following text are summaries of some of the major Puget Sound program-specific projects that EPA and Ecology have agreed to work on together, including some expected actions and outcomes.

### **Nutrients Prevention, Reduction, and Control**

Excess nutrients promote the growth of algae, which in turn can reduce the levels of dissolved oxygen as the algae dies and decays. Both agencies are mindful of large-scale nutrient problems in other estuaries around the country (e.g., Chesapeake Bay, Gulf of Mexico, and Long Island Sound). We are monitoring sensitive areas in Puget Sound and building models to help identify how excess nutrients affect the health of Puget Sound. This will enable us to address nutrient problems before they become catastrophes.

Ecology is leading studies to identify how human activities (along with natural factors) affect low dissolved oxygen levels in Puget Sound. The results of the studies may show we need to reduce human-



related sources of nitrogen to keep Puget Sound healthy. If reductions are needed, the studies will also help determine where the reductions might need to occur. EPA is serving on the Advisory Committee for the studies.

Ecology, in collaboration with the Department of Health will also be lead on researching and drafting a petition to EPA for a no-discharge zone for boats in Puget Sound. A no-discharge zone would help prevent pathogen and nutrient loading from vessel sewage.

## **Toxics Prevention, Reduction, and Control**

EPA and Ecology have worked together over the past few years to collect the information needed to guide decisions about toxic chemical control strategies for Puget Sound. In 2011, Ecology released a report that estimated the amount and sources of toxic chemicals entering Puget Sound. Ecology has used this report, and other information on toxics, to set priorities for the NEP grant for Puget Sound.

EPA and Ecology have a history of successes for large urban sediment cleanup such as our previous shared work on Commencement Bay. EPA and Ecology have an existing Source Control Strategy for the Lower Duwamish Waterway and will continue to implement it concurrent with EPA and Ecology's Superfund and Model Toxics Control Act sediment investigation and cleanup plans. This work will rely on an integrated approach between Ecology's water quality and toxics cleanup programs, as well as EPA's water quality and Superfund programs. This effort will consider innovative approaches to deal with the challenges in this watershed.

## **Stormwater**

EPA, Ecology, and the Puget Sound Partnership are working together to address stormwater impacts on Puget Sound, but more effort is required. Stormwater priorities for the next two years include:

- Help local jurisdictions prioritize stormwater retrofit projects to better direct state and local funding.
- Assist western Washington jurisdictions with implementing new Phase I and II NPDES municipal stormwater permits, including low impact development (LID) requirements.
- Watershed-scale stormwater planning, and using creative approaches to help balance stormwater management while accommodating growth in urban areas.
- Training for local government staff and private industry on LID design, inspection, and construction.
- Additional education efforts relative to the Puget Sound Starts Here education campaign.

## **Hanford** - [www.ecy.wa.gov/programs/nwp/index.html](http://www.ecy.wa.gov/programs/nwp/index.html)

Both agencies are actively working to oversee clean up of Hanford's nuclear and hazardous waste legacy. This will be a high priority for Ecology and EPA throughout the duration of this Agreement.

Hanford, in southeast Washington, is one of, if not the most contaminated site in the country. It is uniquely outstanding in technical complexity, cleanup costs, and the decades ahead needed to safely carry out a comprehensive cleanup plan. There are numerous federal and state environmental regulations, projects, plans, schedules, an overarching "[Tri-Party Agreement](#)" (TPA – [www.hanford.gov/?page=91&parent=0](http://www.hanford.gov/?page=91&parent=0)), and a federal court consent decree also dedicated to Hanford's cleanup. The U.S. Department of Energy manager of this site is the third party of the TPA, along with

EPA and Ecology. Certainly, there are many other entities (governmental, tribal, environmental, economic, and others) directly engaged in Hanford’s cleanup as well.

From a regulatory standpoint, Hanford is addressed as one site even though it is 586 square miles in size. It contains thousands of contaminated sources and millions of gallons of radioactive and hazardous wastes. Ecology’s [Nuclear Waste Program](http://www.ecy.wa.gov/programs/nwp/index.html) [www.ecy.wa.gov/programs/nwp/index.html](http://www.ecy.wa.gov/programs/nwp/index.html), is almost entirely dedicated to Hanford’s regulatory management and its cleanup. Regulatory compliance and coordination is a challenge unlike anywhere else in the country including coordination with EPA’s Superfund (CERCLA<sup>3</sup>) Program. These are a few of the many reasons that make Hanford a mutual high priority during the period of this Agreement. In subsequent chapters of this Agreement, Hanford specific activities are addressed as they relate to the Clean Air Act, the Clean Water Act and federal hazardous waste (RCRA) law.

## **Climate Change and Ocean Acidification -**

[www.ecy.wa.gov/climatechange/index.htm](http://www.ecy.wa.gov/climatechange/index.htm)

Rising levels of carbon dioxide and other greenhouse gases have warmed the earth and changed the chemistry of the oceans. Washington State is already experiencing impacts that are consistent with a warming climate and changing ocean condition. Observed and projected impacts of greenhouse gas (GHG) emissions include:

- Warmer temperatures and more severe heat waves
- Larger and more intense wildfires
- Drier summers and wetter autumns and winters
- Decreased snowpack and loss of natural water storage
- More frequent and severe drought
- More severe winter flooding
- Sea level rise
- More extreme weather events
- Decreased ocean pH

These environmental changes are impacting our forests, agriculture, water resources, coasts, infrastructure, shellfish and fisheries, and other resources that are vital for our economy, communities, and environment. The extent and duration of these impacts will largely be determined by our collective success in reducing future emissions of GHGs. In addition, we need to anticipate and address the implications of a changing climate in our programs, policies, rules, and operations.

Many of the challenges created by changing climate and environmental conditions are similar to those we have been wrestling with for decades – water supply and quality, ecosystem health, air quality, and shoreline and habitat protection and restoration. But the rate and severity of the changes we are likely to witness in the coming years will be unlike anything Washingtonians have ever experienced.

Washington State is addressing the challenge of climate change and ocean acidification by taking responsible and thoughtful legislative and executive actions. The state is taking a comprehensive approach in developing and implementing practical and coordinated policies and solutions to reduce energy use, meet the GHG emissions reductions adopted into law in 2008, and to unleash innovation, investment, and job creation. Comprehensive and integrated strategic responses have also been developed to enable state and local agencies, public and private businesses, nongovernmental organizations, and individuals to prepare for, address, and adapt to the impacts of climate change and ocean acidification. Broad coalitions

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<sup>3</sup> Comprehensive Environmental Response, Compensation, and Liability Act.

of leaders, stakeholders, and the public have offered their thoughts and ideas as the state leads the way on reducing GHG emissions, and adapt to impacts of climate change and ocean acidification.

Reducing GHG emissions and taking action to adapt to a changing climate are high priorities for both EPA and Ecology. EPA is working on finalizing the Clean Power Plant Rule that will substantially reduce carbon pollution from power plants. EPA continues to work on vehicle emission standards to reduce emissions and has proposed a comprehensive National methane emission reduction strategy. Ecology is working with the Governor's Office, legislators and various interests on advancing policies to reduce GHG emissions from transportation, electricity, and industrial uses. EPA Region 10 Administrator participated on the Carbon Emission Reduction Task Force, at the invitation of the Governor. The Task Force evaluating options for carbon pricing.

EPA is working with Ecology to better understand the impacts of ocean and coastal acidification from local sources and has been an active member of the former Blue Ribbon Panel on Ocean Acidification, current Washington State Marine Resources Advisory Committee, and the West Coast Ocean Acidification and Hypoxia Panel.

We welcome the opportunity to continue to forge a strong and effective partnership with EPA to build on the work we have done so far to reduce GHG emissions, and respond to the environmental challenges facing us from changing climate and ocean conditions.

# Chapter 7. Air Quality Program

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[www.ecy.wa.gov/programs/air/airhome.html](http://www.ecy.wa.gov/programs/air/airhome.html)

## Introduction

The air in every community should be safe and healthy to breathe. Because air pollution crosses local, state, tribal, and federal borders, many agencies coordinate their activities to reduce and control air pollution. These agencies have worked together over the years to significantly improve Washington's air quality:

- Washington's seven local air quality agencies;
- Ecology; and
- The EPA.

The number of days that Washington's air quality exceeds federal health-based standards has greatly decreased as a result of these agencies' work.

This Agreement's purpose is to improve environmental quality by strengthening and extending the partnership between local air quality agencies, Ecology, and the EPA. To achieve this, partners to the Agreement commit to the following mission statement:

*“Protect, preserve, and improve Washington's air quality to safeguard public health and the environment, and support high quality of life for current and future generations.”*

This Agreement describes the actions and activities the partners will perform to achieve this mission. The partners commit to:

- Prevent and reduce air pollution, which includes ensuring compliance with all air quality laws and regulations;
- Reduce emissions of high priority air pollutants, especially fine particles (PM<sub>2.5</sub>), ozone precursors, and air toxics;
- Prevent violations of federal air quality standards; and
- Increase efficiencies and reduce transaction costs in air quality program administration and implementation.

The Agreement includes outputs and ongoing activities paid for with a combination of state and federal dollars. It does not cover many Ecology and local air quality agency activities funded by state and local sources. Whenever possible, Ecology devotes resources to on the ground projects that reduce air toxics exposure.

Reductions in state budgets or federal 103 or 105 grant funds would likely impair the ability of Ecology and local air quality agencies to conduct their core work and fully meet their obligations under this Agreement. Washington, like all other states, is experiencing unprecedented and severe budget shortfalls. The amount of federal grant funds expected in this biennium is also uncertain. Some of the outputs and ongoing activities may have to be decreased to reflect the final state budget, actual tax revenues received throughout the biennium, and federal budget.

# Review Process

The partners agree to meet as needed to maintain open communication. Washington Air Quality Managers Group meetings are one way to check in, since all the partners participate in this group. Other inter-agency groups such as the Northwest Air Quality Communicators, Washington air permit writers, and Washington Air Quality Compliance Forum may also be helpful in promoting clear, open communication.

## EPA Strategic Plan Alignment

The outcomes and objectives of this section correlate directly with the EPA’s 2014-2018 Strategic Plan under Goal 1, Objective #2, *Improve Air Quality*: “Achieve and maintain health and welfare based air pollution standards and reduce risk from toxic air pollutants and indoor air contaminants.”

### Air Quality Objectives

<b>Objective 1: Criteria Pollutants and Regional Haze</b>
<p><b>Reduce Criteria Pollutants and Regional Haze</b></p> <p>The objective is to meet air quality standards that protect public health and welfare. As part of this objective, emissions and ambient concentrations of criteria pollutants would decrease. The number of exceedances of ambient air quality standards would also decrease. We will also make progress to support the EPA’s Strategic Plan goal, that “By 2018, visibility in scenic parks and wilderness areas will improve by 15 percent in the east and 5 percent in the west, on the 20 percent worst visibility days, as compared to visibility on the 20 percent worst days during the 2000–2004 baseline.”</p> <p>During periods of poor air quality, Ecology and/or local air quality agencies (in their respective areas) will notify the public and sensitive groups about the health effects of poor air quality, and how burning wood and other choices affect air quality and health. This includes education about how individual behaviors affect air quality and health.</p>
<b>Objective 1 – Outcome Measures</b>
<ol style="list-style-type: none"> <li>1. Number of times PM<sub>2.5</sub> or ozone exceeds healthy levels</li> <li>2. Number of citizens exposed to pollution measurements above federal standards</li> <li>3. Number of non-attainment areas</li> <li>4. Visibility has improved in scenic parks and wilderness areas on the 20 percent worst visibility days, as compared to during the 2000 – 2004 baseline.</li> </ol>
<b>Objective 1 – Outputs</b>
<ol style="list-style-type: none"> <li>1. Ecology will coordinate with the Puget Sound Clean Air Agency and the EPA, to ensure continued attainment in the Tacoma-Pierce County 24-hour PM<sub>2.5</sub> maintenance area.</li> <li>2. Ecology, the EPA, and the local air quality agencies will coordinate about designation recommendations and related nonattainment planning.</li> <li>3. Ecology and the local air agencies will submit to the EPA New Source Review (NSR) rules that are federally approvable and consistent with federal rules/guidance.             <ol style="list-style-type: none"> <li>a. Ecology will maintain an up to date NSR (both major and minor NSR) program including any necessary rule updates in the State Implementation Plan (SIP).</li> </ol> </li> </ol>

**Objective 1: Criteria Pollutants and Regional Haze**

- b. Ecology, the EPA, and the local air quality agencies will continue to make progress in updating the SIP to reflect local air agency rules and jurisdiction.
- 4. Ecology will submit “infrastructure” SIP certifications for National Ambient Air Quality Standards (NAAQS) as required by sections 110(a)(1) and (2) of the Clean Air Act, including the 2010 sulfur dioxide NAAQS revision and any future NAAQS revisions.
- 5. Ecology will submit a plan (SIP) addressing the “transport” element section 110(a)(2)(d) of the Act for revised NAAQS, as appropriate.
- 6. Ecology will submit a Regional Haze five-year plan by December 22, 2015.
- 7. Ecology, the EPA, and the local air quality agencies will coordinate to expeditiously and efficiently address ongoing Clean Air Act (CAA) requirements such as CAA 175A (2<sup>nd</sup> 10-year maintenance plans) and CAA 110(l) plan revisions to maintain a modern, effective, and legally defensible air program reflected in the SIP.
- 8. Ecology will submit a vehicle inspection and maintenance (I/M) report by July of each year.

**Objective 1 – Ongoing Activities**

- 1. Ecology and the local air agencies will seek state and federal funds to address wood stove use in communities where PM<sub>2.5</sub> levels from wood smoke are high.
- 2. About six months before the EPA must review the SIPs, Ecology in cooperation with local air quality agencies will develop initial SIP Development Plans for significant SIP submittals. The SIP Development Plan will include schedules negotiated with the EPA. The EPA will review and comment on draft SIP revisions prior to the public comment period.
- 3. Ecology, the EPA, and local air quality agencies will discuss any new PM<sub>2.5</sub> or ozone violations and any possible designation recommendations.
- 4. The EPA, Ecology, and affected local air quality agencies will communicate about the status of pending SIP submittals when applicable. They will also coordinate on prioritizing SIP review and approvals. The EPA will share/update SIP workload status. Ecology will inform the EPA of any new SIP submittals in a timely manner.
- 5. Ecology and the Local Air Agencies will work with the EPA to identify exceptional events with potential regulatory significance in accordance with the Exceptional Event rule, will use appropriate flag codes, and will coordinate with the EPA on preparing documentation in accordance with the Exceptional Events rule and guidance documents.
- 6. With the EPA’s support, Ecology and local air quality agencies will:
  - a. implement wood stove burn ban programs;
  - b. Advise the public when air quality is poor
- 7. Ecology and local air quality agencies will:
  - a. manage their own permit programs;
  - b. provide public information/education;
  - c. oversee air quality advisory systems for outdoor burning;
  - d. update and revise rules as needed for effective air quality programs; and
  - e. submit timely SIP revisions to the EPA.
- 8. The EPA will:
  - a. serve as regional smoke coordinator by working with other Northwest states and Tribes to improve smoke management coordination and tools.

<b>Objective 1: Criteria Pollutants and Regional Haze</b>
<p>b. host at least one meeting per year on smoke management issues.</p> <p>9. Ecology and the local air quality agencies will update their rules as needed to maintain effective air quality programs and submit timely SIP revisions to the EPA. Ecology will have the Attorney General’s Office review Ecology regulations for SIP submittals.</p> <p>10. With Ecology and EPA assistance, local air quality agencies will review local regulations to be included in the SIP.</p>
<b>Objective 1 – Reporting</b>
Local air agencies may submit criteria pollutants emission data to Ecology in XML or MS Access EIS staging table format.

<b>Objective 2: Air Toxics</b>
<p>To characterize the health consequences of toxic air pollution in Washington, Ecology will use data about toxic air pollutants, their health effects, and their sources. The data will be used to:</p> <ul style="list-style-type: none"> <li>• reduce the emissions, exposure, and/or health risks, focusing on sources or areas that have the greatest health risk;</li> <li>• focus emission reduction strategies on smoke and diesel soot to provide the greatest health benefits; and</li> <li>• better characterize industrial emissions by more efficient permit processes and improved partnerships with businesses.</li> </ul> <p>As part of this objective, emissions of toxic air pollutants would decrease over time. The percentage of Washington citizens at risk from toxic air pollutants would also decline.</p>

<b>Objective 2 - Outcome Measures</b>
<ol style="list-style-type: none"> <li>1. Tons of diesel exhaust emitted statewide.</li> <li>2. Number of diesel engines retrofitted with pollution control equipment.</li> <li>3. Number of woodstoves changed out.</li> <li>4. Emission levels of toxic air pollutants shown in the National Emission Inventory (NEI). (This can be handled with our NEI report.)</li> </ol>

<b>Objective 2 - Outputs</b>
<ol style="list-style-type: none"> <li>1. Ecology will review EPA’s 2011 National Emission Inventory (NEI) and begin preparation of the 2014 NEI. Ecology will augment the NEI with state-calculated criteria and toxics inventories for significant emissions sources where state data can improve the EPA estimates. The point source inventory will include available air toxics data submitted to the state by local air quality agencies. Ecology’s work on the 2014 NEI will be completed by the end of 2015.</li> <li>2. With cooperation from local air quality agencies, Ecology will prepare point source toxics Emissions Inventories (EI) each year. EIs will be prepared from Ecology data and data submitted by local air agencies. The inventories will be provided to EPA for the annual NEI.</li> </ol>

<b>Objective 2 - Ongoing Activities</b>
<ol style="list-style-type: none"> <li>1. Ecology, in partnership with the local air agencies, will: <ol style="list-style-type: none"> <li>a. seek state and federal funds to develop and implement diesel reduction projects through the West Coast Diesel Collaborative or other sources</li> </ol> </li> </ol>

**Objective 2: Air Toxics**

- b. operate monitoring stations and evaluate field and analytic data to assure quality as outlined in the Technical Assistance Document (TAD)
  - c. collect toxics monitoring data where fully funded by EPA
  - d. submit available point source toxics emission inventory data each year
  - e. review available National Emissions Inventory (NEI) data.
2. EPA will provide:
- a. NEI data
  - b. guidance about national air toxic policies and programs
  - c. background information and outreach from National Air Toxics Assessment (NATA) and other state and national programs.

**Objective 2 - Reporting**

1. For major and synthetic minor sources, the local air quality agencies, Ecology and EPA will enter Subpart 63 Maximum Achievable Control Technology (MACT) sources into the AIRS Facility Subsystem (ICIS-Air). Local air quality agencies will also report the Minimum Data Reporting (MDR) elements.
2. Ecology will:
- a. annually submit point source emission reports to the EPA for the NEI
  - b. submit 2014 point, mobile, and nonpoint inventories to the EPA for the NEI by December 31, 2015
  - c. request local air quality agency reporting of toxic air pollutants and submit data received to EPA.
3. Local air agencies may submit air toxics emission data to Ecology in XML or MS Access EIS staging table format.

**Objective 3: Permitting and Program Delegation**

Reduce, limit, and manage emissions through effective and efficient air quality permitting programs. This objective describes how Ecology and local air quality agencies will control and track emissions from industrial sources.

**Objective 3 - Outcome Measures**

1. Average number of days it takes to process Notice of Construction permit applications.

**Objective 3 - Outputs**

1. As appropriate for each agency, Ecology and local air agencies will update regulations and delegations to reflect new or revised New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS).
2. Ecology will maintain an up to date Prevention of Significant Deterioration (PSD) program. The EPA will work expeditiously with Ecology on revising the SIP as needed.
3. Ecology will continue to:
- a. develop WEIRS (the Washington Emissions Inventory Reporting System), a web-based emission inventory system to track "allowable" emissions data as well as "actual" emissions data (this system will be used to collect and track



**Objective 3: Permitting and Program Delegation**

available allowable emissions data from Ecology and local air quality agency permittees)

- b. communicate to permittees and local air quality agencies about the value of allowable emissions data, specifically by requiring PSD applicants to use allowables in their air quality impact modeling
- c. communicate to the PSD consulting community that it is the source’s responsibility to compile an allowable inventory for impact modeling, (although Ecology and local air quality agencies will assist if requested).

**Objective 3 - Ongoing Activities**

Ecology and local air agencies will:

- 1. Administer the following air quality permitting programs for commercial and industrial sources:
  - a. Preconstruction permits for new major sources or major modifications (PSD, NAA-NSR)
  - b. NSPS and NESHAPs adopted by the state along with any additional NSPS and NESHAPS adopted by local air agencies
  - c. Air Operating Permits (AOP) for existing sources
- 2. Use EPA approved models for air quality analysis for commercial and industrial source permits, or seek approval of non-approved models.
- 3. Ecology will, for PSD permits, conduct Best Available Control Technology (BACT) evaluations in a manner consistent with EPA’s top-down, five-step procedure.
- 4. Ecology will consider relevant EPA guidance and interpretations when determining the applicability of PSD and NNSR. Ecology will consult with EPA before making a decision inconsistent with officially adopted guidance.
- 5. Ecology will implement SIP pre-construction permitting (PSD and minor permits) as specified in the approved SIP and in state regulations currently under EPA review.
- 6. As resources and scheduling allow, EPA will provide in-person training on implementation of the PSD program.
- 7. Communicate with each other about permitting issues openly, directly, and in a timely manner.

**Objective 3 - Reporting**

Ecology and local air quality agencies will:

- 1. Report AOP activity using the *Permit Register*.
- 2. Post Best Available Control Technology (BACT) / Lowest Achievable Emission Reduction (LAER) determinations to the clearinghouse within three months of issuing the final permit (for major actions). Specify (a) the date the application was determined to be complete, and (b) the date the final permit was issued.
- 3. Submit major point source emissions data to the NEI within 12 months of the end of the calendar year.

**Objective 4: Compliance Assurance**

Maintain an effective compliance assurance program that protects human health and the environment by preventing and reducing air pollution. Carry out a balanced program that

<b>Objective 4: Compliance Assurance</b>
includes compliance assistance, compliance monitoring, appropriate enforcement, and follow-up to ensure return to compliance.
<b>Objective 4 - Outcome Measures</b>
1. EPA uses the quadrennial SRF review, annual Data Metrics Analyses, quarterly HPV calls, annual meeting discussions, and other EPA oversight efforts to assess the performance of compliance and enforcement programs.
<b>Objective 4 - Outputs</b>
<ol style="list-style-type: none"> <li>1. The present Compliance Assurance Agreement is out of date. The EPA is reviewing the need to continue reliance on a Compliance Assurance Agreement or if other avenues are more efficient. After considering alternatives, EPA will work in cooperation with Ecology and the local air quality agencies to develop appropriate documentation to address roles, responsibilities, new commitments, and new requirements (see Chapter 5 of this Agreement.)</li> <li>2. Ecology, the EPA, and local air quality agencies will fulfill their commitments under <ol style="list-style-type: none"> <li>a. the national “Minimum Data Requirements for CAA Stationary Sources Compliance,” January 2012 (MDRs)</li> <li>b. the national “Clean Air Act Stationary Source Compliance Monitoring Strategy,” July 2014 (CMS)</li> <li>c. the national HPV policy, “Timely and Appropriate Enforcement Response to High Priority Violations,” August 2014</li> <li>d. the national “Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources,” September 2014 (FRV policy).</li> </ol> </li> <li>3. As part of the annual collaborative planning meetings (and the quarterly HPV calls, when needed), the EPA, Ecology, and local air agencies will review and discuss compliance and enforcement programs for federally-delegated programs, including key activities, emerging issues, and program needs.</li> </ol>
<b>Objective 4 - Ongoing Activities</b>
<ol style="list-style-type: none"> <li>1. Ecology and local air quality agencies will conduct compliance programs according to the 2014 national Compliance Monitoring Strategy for those sources and activities to which the Strategy applies.</li> <li>2. Agencies will resolve high priority violations according to the EPA’s 2014 “Timely and Appropriate Enforcement Response Guidance for HPVs.” Ecology, local air quality agencies, and the EPA will hold quarterly conference calls to discuss: <ol style="list-style-type: none"> <li>a. high priority violations; and</li> <li>b. policy and strategy issues.</li> </ol> </li> <li>3. The EPA will conduct compliance monitoring and enforcement on tribal lands.</li> <li>4. For programs the EPA cannot delegate, the EPA will conduct: <ol style="list-style-type: none"> <li>a. complaint response;</li> <li>b. inspections;</li> <li>c. priority enforcement actions; and</li> <li>d. other activities statewide (example: chlorofluorocarbons).</li> </ol> </li> <li>5. The EPA retains authority to conduct inspections and enforcement actions under the Clean Air Act and will utilize this authority for national and regional priority work and as requested by state/local agencies.</li> </ol>

#### **Objective 4: Compliance Assurance**

6. Ecology and the local air agencies will continue to participate in the State Review Framework (SRF). The next SRF process is presently scheduled to begin in 2016 and be completed no later than December 31, 2017. Ecology and the local air agencies will work with the EPA to implement recommendations and address areas that need attention as identified in the 2017 SRF review and report.
7. Ecology and the local air agencies will participate in the annual enforcement data verification process. Each fall EPA Headquarters will post the specific set of data verification metrics on the database, "Enforcement and Compliance History Online" (ECHO). Ecology and the local air agencies will ensure that any necessary data corrections are made in the program data systems. After verified data are frozen, the EPA will develop a full SRF Data Metric Analysis in spring 2016 for FFY 2015 data and a condensed annual Data Metric Analysis by September 30, 2017, for FFY 2016 data. These are used by EPA to assess performance and trends in performance and to discuss any issues with Ecology or the respective local air agency.

#### **Objective 4 - Reporting**

1. All agencies will meet timely and accurate reporting requirements contained in the national MDRs, CMS, FRV, and HPV policies.
2. Ecology and local air quality agencies will update their databases, as needed, and enter timely, accurate, and complete ICIS-Air data.

The EPA will communicate to Ecology and affected local air agencies about the EPA's enforcement actions in a timely manner, and before actions are finalized.

#### CMS Policy

Clean Air Act Stationary Source Compliance Monitoring Strategy, July 2014

<http://www2.epa.gov/compliance/clean-air-act-stationary-source-compliance-monitoring-strategy>

#### HPV Policy

Timely and Appropriate Enforcement Response to High Priority Violations, August 2014

<http://www2.epa.gov/enforcement/revised-timely-and-appropriate-t-and-enforcement-response-high-priority-violations-hpvs>

#### FRV Policy

Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources, September 2014

<http://www2.epa.gov/compliance/guidance-federally-reportable-violations-stationary-air-sources>

#### MDRs (FRVs are a subset of the MDRs)

Minimum Data Requirements for CAA Stationary Sources Compliance, January 2012

<http://www2.epa.gov/compliance/guidance-minimum-data-requirements-mdrs-cao-stationary-sources-compliance>

<b>Objective 5: Monitoring and Assessment</b>
To characterize the health consequences of air pollution in Washington, agencies will collect data that has the greatest benefit for public health, and increase the public understanding of the health effects and costs of pollution.
<b>Objective 5 - Outcome Measures</b>
<ol style="list-style-type: none"> <li>1. Air monitoring delegated by the EPA to Ecology and local air agencies meets all federal requirements. The monitoring will also provide enough information to: <ol style="list-style-type: none"> <li>a. collect data that has the most relevance to public health</li> <li>b. protect public health.</li> </ol> </li> <li>2. Air monitoring data meets EPA requirements for data completeness at each monitor.</li> </ol>
<b>Objective 5 - Outputs</b>
<ol style="list-style-type: none"> <li>1. Ecology works with local air quality agencies to complete and submit a review of the air monitoring network to the EPA by July 1 of each year. The EPA will respond within 120 days of the submittal of the monitoring network plan.</li> <li>2. Ecology, the EPA, and local air quality agencies will use listservs, e-mails, and web pages to inform the public about air monitoring results.</li> <li>3. Ecology, the EPA, and local air agencies will use data resources to support communication and understanding about identified air pollution problems.</li> </ol>
<b>Objective 5 - Ongoing Activities</b>
<ol style="list-style-type: none"> <li>1. Ecology and local air quality agencies will operate the statewide National Air Monitoring Site network, according to 40 CFR. Part 58.</li> <li>2. Ecology will: <ol style="list-style-type: none"> <li>a. submit monitoring data to Air Quality System (AQS) within 90 days of the end of each quarter;</li> <li>b. provide a quality assurance program for ambient data as required by 40 CFR Part 58, Appendix A; and</li> <li>c. working with local air agencies, collect data and prepare emission inventory and air monitoring databases to support air quality modeling</li> </ol> </li> <li>3. The EPA will: <ol style="list-style-type: none"> <li>a. review and approve an annual monitoring network review within 120 days of Ecology's submittal; and</li> <li>b. provide annual quality assurance audits as required by 40 CFR Part 58, Appendix A.</li> </ol> </li> </ol>
<b>Objective 5: Reporting</b>
<ol style="list-style-type: none"> <li>1. Ecology will: <ol style="list-style-type: none"> <li>a. submit AQS data to the EPA within 90 days of the end of each quarter;</li> <li>b. write and submit quarterly Quality Assurance (QA) reports to the EPA;</li> <li>c. notify the EPA by email as soon as it is evident that any ambient air standards have been exceeded within the WA monitoring network; and</li> <li>d. provide ambient data to the EPA upon request.</li> </ol> </li> </ol>

# Chapter 8. Hazardous Waste (RCRA)

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## Introduction

Ecology implements the EPA-authorized Hazardous Waste Program pursuant to the federal Resource Conservation and Recovery Act (RCRA), as amended. The RCRA program is administered through the Washington State [Dangerous Waste Regulations, Chapter 173-303 WAC](#).

This chapter addresses RCRA implementation in Washington State. General procedures for conducting corrective action and permitting, along with additional details on how the EPA and Ecology manage RCRA authorization and activities in Washington are included at the end of this chapter.

## Assuring Compliance

Ecology strives to assure that generators, transporters, and facilities that treat, store, or dispose of hazardous waste do so properly. This includes minimizing the risk of releases of hazardous wastes to the air, water, and land. Ecology does this by assuring compliance with state and federal regulations and encouraging waste minimization practices. Ecology's RCRA work also complies with all appropriate provisions of the federal Endangered Species Act and the other relevant federal laws and rules as specified within Chapter 40 of the Code of Federal Regulations (CFR) Part 270.3.

Ecology and the EPA recognize the following RCRA activities will be carried out in a manner consistent with and mindful of advancing environmental justice and the protection of children's health. More information is available about these overarching priorities as they apply to this Agreement (Chapter 4.)

## Ecology's RCRA Activities

This chapter covers all of Ecology's federally-funded RCRA activities relative to this Agreement. Administratively, Ecology's RCRA activities are performed through a combination of the:

- [Hazardous Waste and Toxics Reduction Program \(HWTR\)](#)  
The HWTR program is responsible for implementation of most of the RCRA-based activities in the state.
- [Industrial Section](#), within the [Waste-2-Resources Program](#)  
The Industrial section has specific RCRA responsibilities for refineries, pulp and paper mills, aluminum smelters, and other specific large industrial sites.
- [Nuclear Waste Program \(NWP\)](#)  
The NWP is responsible for compliance oversight at Hanford and four other facilities that manage dangerous and/or mixed (radioactive and hazardous) waste: Areva, Perma-Fix, Puget Sound Naval Shipyard, and Energy Northwest.

## EPA's RCRA Activities

The EPA Region 10 RCRA Program, within the Office of Air, Waste and Toxics, and the Office of Compliance and Enforcement (Air/RCRA Compliance Unit), will perform the EPA's RCRA work.

During the period of this Agreement, one specific task will be the EPA's review of Ecology's RCRA permitting program as part of the Region 10 RCRA permit program review strategy. Preparations and planning for this review will be coordinated in advance at the **RCRA Managers Quarterly** meetings, addressed later in this chapter. The EPA will also be conducting a review of the RCRA compliance and enforcement program. This review will be conducted in 2016 and finished 2017 (calendar years) as part of the EPA's State Review Framework program.

## Evaluating Activity Commitments and Levels of Effort

Activity commitments and levels of effort are planned and agreed to for the two-year period of this Agreement, as specifically laid out in the RCRA Work Plan, addressed later in this chapter. Progress and tracking of the commitments and efforts will be reviewed as part of each RCRA Managers Quarterly meeting. Adjustments to commitments may be made, if needed, agreed upon, and documented as discussed at the RCRA Managers Quarterly meetings. This best allows for agile and timely prioritization of RCRA work.

**Mid-Term Review.** Ecology and the EPA will focus on a review of this Agreement's commitments and progress following the first year. The mid-term review will be scheduled for the RCRA Managers Quarterly meeting in the fall of 2016. As needed, adjustments will be made to the second year of the Agreement and reflected in a revised RCRA Work Plan.

Nothing herein limits the EPA's ability to otherwise review decisions made by Ecology, including those subject to review under the *Resource Conservation and Recovery Act - Hazardous Waste Program Memorandum of Agreement* (RCRA MOA), signed in 2006 between Ecology and the EPA Region 10.

## RCRA Priorities and Goals

[The EPA FY2014-2018 Strategic Plan](#) established goals for strategic planning and budgeting. The EPA's national goals that pertain to the hazardous waste program are outlined below.

- Cleaning up communities and advancing sustainable development (EPA Goal 3).
- Ensuring the safety of chemicals and preventing pollution (EPA Goal 4).
- Protecting human health and the environment by enforcing laws and assuring compliance (EPA Goal 5).

To support the EPA's goals above and to meet state priorities, Ecology will work to achieve the following goals and priorities in FY 2016-2017:

1. Minimize environmental threats caused by mismanagement of hazardous waste by implementing effective compliance assurance activities, including fair and firm enforcement.
2. Continue to improve the *Dangerous Waste Regulations* and maintain an authorized RCRA program.
3. Implement the state hazardous and solid waste plan, titled Beyond Waste (see [www.ecy.wa.gov/beyondwaste](http://www.ecy.wa.gov/beyondwaste)). This includes work to minimize or eliminate the use of toxic substances, the generation of toxic wastes, and meet the Beyond Waste goals.
4. Accomplish safe and timely permitting, closure, post closure, and corrective action.
5. Improve internal and external access to meaningful, quality information for use in accomplishing RCRA and Beyond Waste work, including collecting information to measure progress and success.

6. Work with the EPA to minimize duplicative efforts and coordinate in advance to streamline the EPA's review and approval of state actions when necessary.

Collectively, both agencies will pursue these goals through:

## Environmental and Performance Indicators

- Environmental compliance monitoring
- Corrective action
- Enforcement
- Pollution prevention and waste minimization activities
- Permitting

During this Agreement, core performance measures will be used to assess the success of the RCRA program. Data for these and other measures are available through the EPA's national Biennial Reporting System, Toxics Release Inventory, and the RCRAInfo database.

The core measures that Ecology and the EPA will use for assessing performance are aligned with Ecology's goals and priorities above. They include:

- Pounds of hazardous waste generated per facility, per year.
- Pounds of toxic chemicals released to air, land, and water per year, as measured by the Toxics Release Inventory.
- Progress on the number and percentage of sites subject to RCRA corrective action that have (a) human exposures under control and (b) ground water contamination under control, as measured in the RCRAInfo database.
- Percent of high and medium priority facilities subject to corrective action, where a *final remedy* or an *interim measure* is in place for any portion of the facility.
- Percent of facilities that require either an *operating* or *post closure* permit, where there are approved controls in place, as measured in the RCRAInfo database.
- Number and percent incidence of "environmental threats" (as defined by Ecology) observed through inspections, as well as the number of such threats resolved. Analysis will include data in the RCRAInfo database.
- Adequacy of inspection coverage.
- Rates of *Significant Non-Compliance*, and percentage of *Significant Non-Compliance* facilities that are returned to compliance.
- Number of enforcement actions taken and appropriateness to return facilities to compliance, as addressed through the EPA's State Review Framework (SRF) process, which is addressed in greater detail at the end of this chapter.
- Number and dollar amount of penalties assessed, also addressed in the SRF.

## Grant Performance Outputs

For the purposes of the EPA monitoring the RCRA grant, Ecology will complete the following:

1. Enter all RCRA-based inspections, enforcement, and compliance information into the EPA's national RCRAInfo database in a timely manner (within 30 days, but no later than 60 days of the event).

2. Collect and process annual waste generator and handler reports.
3. Collect and process notifications of dangerous waste activities and assign RCRA Site ID numbers.
4. Conduct inspections at least sufficient to meet statutory mandates, the National Compliance Monitoring Strategy for RCRA and state priority hazardous waste inspections, as specified in the RCRA Work Plan (noted below).
5. Conduct appropriate follow-up and enforcement activities to address violations.
6. Conduct technical assistance and compliance assistance visits.
7. Conduct RCRA closure, post closure, and corrective action work to make progress in achieving the Government Performance and Results Act (GPRA) goals.
8. Conduct permitting work to meet the national GPRA permitting goals for RCRA.
9. Maintain RCRA authorization and coordinate with EPA to revise and update regulations.

## **Fund Allocation and Full-time Employee Summary**

Ecology's RCRA activities will be carried out by Ecology staff, funded in part by this Agreement's RCRA grant (see Chapter 1). For the purposes of this Agreement, one full-time employee (1 full time equivalent or FTE) equals \$ 60,394 per year. Ecology's and the EPA's RCRA funding and staffing for this Agreement are based on:

- The total number of Ecology FTEs funded by the EPA RCRA grant under this Agreement is 23.75.
- The first year total project amount is \$2,452,158, which consists of \$1,818,869 (17.82 FTEs) federal money and \$606,289 (5.93 FTEs) required State matching funds. Second year amounts are expected to be similar, to be determined later when related budgets are established.
- The total EPA FTEs involved in implementing the RCRA Program in Washington is 4.9.

## **Activities, Review, FTEs, and the RCRA Work Plan**

Activities in this Agreement apply to the EPA's RCRA grant to Ecology for state fiscal years (FY) 2016 and 2017, which begin July 1, 2015 and July 1, 2016, respectively. This Agreement expires June 30, 2017. During this period, Ecology and the EPA will review the RCRA activities and make necessary adjustments as described below.

Ecology will summarize progress on activities in an end-of-year report covering each fiscal year. The end-of-year reports will include a narrative explaining progress in completing the agreed-upon activities and tracking data concerning these activities. The EPA and Ecology will coordinate on producing the end-of-year reports, each to be completed by September 30 of its respective fiscal year's activities.

The details of Ecology RCRA commitments are described in Ecology's detailed RCRA Work Plan for each fiscal year. The RCRA Work Plan includes commitments for the HWTR Program, the Nuclear Waste Program, and the Industrial Section. The RCRA Work Plan is incorporated by reference as part of this Agreement and revised annually.



## **RCRA Work Plan**

The details of Ecology RCRA commitments are described in Ecology's RCRA Work Plan for the period of this Agreement. The RCRA Work Plan includes commitments for the HWTR program, the Nuclear Waste Program, and the Industrial section. The RCRA Work Plan will be mutually tracked during the Agreement. By mutual agreement, the RCRA Work Plan may be adjusted as needed. Any adjustments to the RCRA Work Plan will be agreed to in writing, both within the RCRA Work Plan itself and by reference in the RCRA Managers Quarterly meeting minutes. The FY 2016-2017 RCRA Work Plan is incorporated by reference as part of this Agreement.

## **Moving Washington Beyond Waste and Toxics (Ecology)**

Ecology is implementing the state's solid and hazardous waste plans as required by state law (RCW 70.105 and RCW 70.95). Ecology completed the 2015 update of the state plan: Moving Washington Beyond Waste and Toxics. The Beyond Waste Progress Report can be viewed at [www.ecy.wa.gov/beyondwaste](http://www.ecy.wa.gov/beyondwaste).

To move "beyond waste and toxics" is defined in the Plan's vision statement:

*"We can transition to a society where waste is viewed as inefficient and where most wastes and toxic substances have been eliminated. This will contribute to economic, social, and environmental vitality."*

Due to the Washington State Governor's Executive Order on Sustainability (05-01, see [www.governor.wa.gov/office/execorders/eoarchive/eo\\_05-01.pdf](http://www.governor.wa.gov/office/execorders/eoarchive/eo_05-01.pdf)), the Plan is to achieve the goal of moving Washington beyond waste and toxics in 30 years. In the short-term, implementing the Plan should position Washington to effectively reduce waste and toxics through revised policies and programs. The Plan will help Washington provide better service to the public, businesses, and government, and facilitate efforts to protect the environment, human health, and the State's economic development.

The EPA will support Ecology's efforts in implementing the state plan 2015 update and will coordinate its efforts under its Sustainable Materials Management Program and other related EPA initiatives where appropriate.

## **RCRA Authorization**

Ecology will maintain an authorized program in compliance with federal requirements under Chapter 40 CFR Part 271.21.

Ecology will coordinate with the EPA during any RCRA-related state rule modification to ensure the state RCRA program is at least equivalent to the federal RCRA program. This is necessary to maintain state RCRA authorization. Ecology and the EPA will also work cooperatively throughout the development of Ecology's draft and final authorization revision application, which is anticipated during the period of this Agreement.

## **RCRA Information Management**

Ecology will enter all appropriate RCRA data into the national RCRAInfo (hazardous waste) database. Each of the Ecology programs conducting RCRA work will be responsible for their respective data quality and data entry. Ecology's RCRA data and information management related activities include:

- Inspections
- Closure and post-closure milestones
- Enforcement actions, including penalty data
- Permit milestones
- Return to compliance information
- Financial assurance
- Corrective action milestones
- Any other data necessary to track environmental and performance indicators in the RCRAInfo data system

Ecology will:

1. **Maintain procedures to assure data quality and timely data entry.** Inspection, compliance monitoring, and enforcement data will be entered/updated monthly in RCRAInfo. Within 30 days of the conclusion of a site visit, data will be entered in RCRAInfo, including at least the inspection type, date, and initial assessment whether or not compliance issues were observed. Additional compliance and enforcement data entry will occur within 30 days of completion of inspection reports, issuance of enforcement actions, or finalization of other documentation.  
  
All other facility specific RCRAInfo data (including permitting, closure, corrective action, and facility status) will be reviewed for accuracy and entered into RCRAInfo within two months of its collection. The data will also be reviewed and discussed as needed at the quarterly RCRA Managers meetings.
2. **Collect and process annual reports.** Ecology will provide information to the EPA's Biennial Report System per the RCRA MOA. Ecology will also maintain the RCRAInfo Waste Activity Monitoring module and enter all required data necessary for quality reporting. This includes most or all appropriate elements from Ecology's TurboWaste data system. This activity includes maintenance of the TurboWaste database.
3. **Collect and process notifications of dangerous waste activity forms.** Forms will be collected and processed for all reporting Washington hazardous waste generator sites where Ecology has jurisdiction.
4. **Assist in maintaining the EPA's national RCRAInfo database, keep data current, and participate in the RCRAInfo Workgroup.** This involves a regular review of data by site managers for their sites and updating their data in Ecology's TurboWaste.Net application. These updates include submitting annual dangerous waste reports and withdrawing RCRA Site ID#'s when appropriate. It also includes translation of handler data from Ecology's TurboWaste system into RCRAInfo.

The EPA will:

1. **Assist in maintaining the EPA's national RCRAInfo database, keep data current, and participate in the RCRAInfo Workgroup.** The EPA will be responsible for collecting and entering data regarding hazardous waste activity on Indian lands, except for the Puyallup Tribe, as defined by the "Do Not Translate List, maintained by the EPA." The EPA will notify Ecology of all changes to this list at the time such changes are made.
2. **Maintain and provide Ecology access to RCRAInfo.** The EPA will maintain the Region 10 RCRAInfo report system and allow Ecology staff access via the internet.
3. **Provide RCRAInfo training.** This includes guidance and support for changes or new features to RCRAInfo.

4. **Refer assignment of RCRA Site ID numbers to Ecology.** Ecology will assign all RCRA Site ID numbers except for those on non-Puyallup Tribal Indian lands. This includes the assignment of RCRA Site ID numbers for Superfund sites and EPA spill sites.
5. **The EPA will be responsible for extracting and using the RCRAInfo data to report to the EPA headquarters.**

## Compliance Assurance

Ecology will conduct at least the number of facility inspections committed in the RCRA Work Plan. Inspection reports will be completed within 150 days, in order to determine if a site is characterized for Significant Non-Compliance or as a Secondary Violator, in accordance with the EPA Civil Enforcement Response Policy. The date of determination of Significant Non-Compliance will be documented in RCRAInfo for inspections finding violations. Inspections not finding violations are presumed to be simpler and completed faster than inspections finding violations, and thus will be completed within 150 days. Findings will be documented by entry of an evaluation record with “No violations were found” within 150 days of the inspection date.

If Ecology decides not to conduct a federally mandated inspection identified in the RCRA Work Plan, Ecology will immediately notify the EPA in writing along with justification for this decision. Ecology and the EPA have agreed that TSDs not identified as “operating” and not actively treating, storing, or disposing of hazardous waste will not be inspected on an every-other-year basis.

Ecology will address violations and compliance issues in a manner consistent with the Compliance Section of the RCRA MOA. In its penalty calculations, Ecology will work toward capturing economic benefits that businesses accrued through non-compliance, as guided by the EPA’s “BEN” computer model and by other means. Data, including significant non-compliance, will be entered into RCRAInfo within 30 days of the determination of the non-compliant status, and reviewed for quality assurance quarterly.

The EPA will coordinate with Ecology on compliance issues, inspections, and enforcement actions that EPA will lead in Washington. The EPA will implement compliance activities in Indian Country in coordination with the various tribal governments and Ecology. The EPA will notify Ecology of this activity in advance when possible. To the extent possible, the EPA will also share updates, copies, and/or summaries of findings that result from inspections they lead in Washington.

## Corrective Action

Ecology and the EPA are working toward meeting the goals set by the federal Government Performance and Results Act (GPRA). GPRA establishes goals for the corrective action program using the EPA’s “2020 Corrective Action Baseline,” which includes:

- Facilities on the 2008 corrective action baseline.
- Additional facilities on the permitting track.
- Other facilities that Ecology and the EPA agree are appropriate to address under corrective action.

## **Nationwide Goal for 2020**

The EPA's 2020 Baseline includes high, medium, and low priority facilities. The EPA's nationwide goal for the 2020 Baseline is to have final cleanup remedies constructed by 2020 at 95 percent of the facilities believed to need corrective action.

Ecology-specific goals for FY 2016-2017 are identified in the RCRA Work Plan. Ecology's work to address corrective action will also contribute toward achievement of the nationwide goals established in the EPA's strategic plans, under which the EPA Region 10 has made specific commitments.

Under the corrective action program, the EPA continues the current measures: "Human Exposures Under Control (CA725)"; "Migration of Contaminated Groundwater Under Control (CA750)" – first introduced as part of the 2005 GPRA cycle; and the "Remedy Construction Complete (CA550)," added under the 2008 GPRA cycle. In 2014, the EPA added the "Cleanup Complete (CA900 or CA990)" measure for all sites listed on the 2020 Corrective Action Baseline.

## **Nationwide Goal for 2020**

Interim nationwide goals for 2020 are:

- 95% = human exposures under control (the EPA Annual Commitment System [ACS] #CA1).
- 95% = migration of contaminated groundwater under control (the EPA ACS #CA2).
- 95% = remedy construction complete (the EPA ACS #CA5).

The EPA Region 10's commitments under these goals are made each year after consultation with Ecology and other authorized Region 10 states. Ecology's RCRA Work Plan will address the specific sites which will assist the EPA in meeting these commitments and goals.

Enforcement orders issued under Washington's Model Toxics Control Act (MTCA, - the state's cleanup authority) will be used to satisfy corrective action requirements. A short permit shell (a framework permit or "Permit Lite") will be issued that incorporates by reference the MTCA enforcement order as a permit condition. This process eliminates duplication of work and allows the use of the MTCA process, which is generally faster. It may also be more stringent and is familiar to the business community in Washington. A list of permits that both agencies will work on during this Agreement will be included in the RCRA Work Plan. Data for milestones achieved will be entered into RCRAInfo.

## **Quarterly and Annual Updates**

Ecology will maintain and regularly update RCRAInfo with respect to the goals above. Ecology will also keep the EPA informed on progress towards these goals at the RCRA Managers Quarterly meetings.

In August of each year, Ecology will make any necessary changes to the "Documentation of Environmental Indicator Determination" forms. Ecology will also complete "Ready for Anticipated Use" forms as part of this yearly update. This applies to facilities that have met the cleanup goals for media that affect land use and have implemented needed institutional controls.

Aside from the RCRA Managers Quarterly meetings and the annual updates, the EPA has agreed to work to minimize the impacts of data requests upon Ecology.

## **Permitting and Closure Work Commitments**

Ecology and the EPA will strive to meet the EPA's national baseline for Treatment, Storage, and Disposal (TSD) facility permitting. The goal for permitting during federal FY 2016-2017 is for 100 percent of the hazardous waste management facilities to have controls in place to prevent toxic releases to air, soil, surface water, and groundwater. The EPA also sets nationwide goals for issuing permit renewals within its Strategic Plan. Ecology permit renewal achievements form a portion of the EPA Region 10's contribution towards accomplishment of the national goals.

To this end, Ecology will invest the designated level of effort to ensure environmental protection at TSD facilities. Ecology will negotiate site-specific priorities, tools, and expectations with the EPA. These negotiations will be conducted through the RCRA Managers Quarterly meetings and facility-specific discussions.

Ecology and the EPA will continue to use a streamlined permitting process for RCRA corrective action facilities without operating RCRA regulated units. Specific duties and responsibilities of Ecology and the EPA for permitting and work sharing will be determined through annual program planning for both agencies, and through the RCRA Managers Quarterly meetings, in accordance with the RCRA MOA.

Ecology intends to work on "Permit Lite" and accompanying MTCA enforcement order negotiations throughout this Agreement's period for facilities named in the RCRA Work Plan.

Ecology will work on re-issuing storage and treatment permits as specified in the RCRA Work Plan throughout the period of the Agreement. Ecology will also maintain existing permits via modifications throughout this period.

A main focus for dangerous waste permitting will continue to be issuing a new Hanford Facility Dangerous Waste Permit. The EPA has and will continue to provide oversight, technical, and programmatic support for permit re-issuance.

The Nuclear Waste Program is currently working with the EPA and HWTR, specific to the Hanford RCRA permit to:

- Require the Department of Energy to submit revised permit application information.
- Modify the permit to address substantial comments and issues.
- Prepare a revised draft permit for public comment in 2016.
- Address public comments from the reopened comment period.
- Issue the final permit.

Ecology will also continue to address the permit backlog to determine the appropriate next steps and move forward with the facility closure(s) or permit renewal action(s).

## **Technical Assistance from Ecology**

Ecology will provide technical assistance for compliance, waste minimization, and pollution prevention through a combination of:

- Site visits
- Webinars
- Answering phone calls and emails
- Video conferences
- Video productions
- Outreach, publications, and website resources

Ecology also considers its Urban Waters and Local Source Control activities as technical assistance. Ecology implements RCRA compliance on the premise of more success when technical assistance is available as a core element of the program.

## **Technical Assistance from the EPA**

The EPA will provide technical assistance to Ecology. This work will include technical and regulatory consultation.

## **The EPA's Coordination and Contracts**

### **State Review Framework (SRF)**

The next SRF process is scheduled to begin in 2016 and be completed in 2017. Ecology will work with the EPA to implement recommendations and address areas needing attention as identified in the SRF review and the final SRF report.

Ecology will participate in the annual national enforcement data verification process. Each fall, the EPA headquarters will post the specific set of data verification metrics on its "Enforcement and Compliance History Online (ECHO) database. To support ECHO data accuracy, Ecology will ensure that related data corrections are made in the RCRAInfo data system. After verified data are locked by the EPA, the EPA will develop a full SRF Data Metric Analysis in the spring of 2016 for federal fiscal year 2015 data. The EPA will also develop a condensed annual Data Metric Analysis by September 30, 2017 for federal fiscal year 2016 data. These data are used by the EPA to assess performance and trends in performance and to discuss any related issues with Ecology.

### **Program Coordination**

The EPA Region 10 State Coordinators do general program coordination. This work includes joint inspections, oversight work, program reviews, grant administration, planning, training, and assuring open communication between Ecology and the EPA.

### **Contract Work**

The EPA's Region 10 coordination includes contract work funded by the EPA to assist Ecology in implementing the hazardous waste program. Work relevant to RCRA corrective action is included.

# Chapter 9. Water Quality Program

## Introduction

Ecology administers most of the federal Clean Water Act (CWA) based programs throughout Washington State. EPA's role is to:

- Oversee the implementation of State-authorized programs.
- Provide technical and analytical support for State-authorized programs.
- Directly implement non-authorized programs, in most cases with state assistance.

This Agreement reflects the mutual understandings reached between Ecology and EPA for program implementation and extent of oversight.

The objectives and activities listed in this Agreement cover many aspects of water quality protection in Washington State. However, only a subset of these activities is funded by EPA grants.

One of EPA's grants to Ecology is the Performance Partnership Grant (PPG) which is provided in accordance with Section 106 of the CWA. This Agreement will also serve as the work plan for PPG funds provided to Ecology. The specific activities in this work plan, funded by the PPG, are identified at the end of each numbered subsection below.

## Full-time Employee Summary

The total number of Ecology FTEs funded by the EPA Water Quality grant under this agreement is 30. The total project amount for water quality projects and activities over the two year period of the Agreement is \$6,489,118, which consists of \$5,901,491 (27 FTEs) federal money and \$587,627 (3 FTEs) required state matching funds.

### Performance Partnership Grant Objectives, Activities, and Measures

1. Nonpoint Source Pollution Control	
<b>Ecology</b> Helen Bresler (360) 407-6180 <a href="mailto:hbre461@ecy.wa.gov">hbre461@ecy.wa.gov</a>	<b>EPA</b> Jo Henszey (360)-753-9469 <a href="mailto:Henszey.jo@epa.gov">Henszey.jo@epa.gov</a>
<b>Objectives</b>	
<ul style="list-style-type: none"> <li>• Programs are designed to prevent nonpoint source pollution and habitat alteration, and protect water quality and human health.</li> <li>• Programs are designed to clean up nonpoint source pollution.</li> <li>• Programs are designed to restore aquatic habitats, and protect water quality and human health.</li> <li>• Financial assistance is provided to water quality partners and is targeted to the highest environmental needs.</li> </ul>	
<b>Activities and Measures</b>	
1A. Ecology will implement the Ecology actions identified in the 2015 revised Water Quality Management Plan to Control Nonpoint Source Pollution (also known as the Washington State Nonpoint Plan) once it is approved by EPA, depending on available funds. Ecology will submit	

## 1. Nonpoint Source Pollution Control

an annual end-of-year report by April 1 of each year and EPA will review and provide a satisfactory progress determination to Ecology at or before awarding the CWA 319 grant. EPA will use these reports as the basis for determining continued eligibility for future CWA Section 319 grants.

- 1B. Ecology and EPA will submit and award the CWA Section 319 grant on a biennial basis rather than an annual basis. For the years in which Ecology applies for the grant, Ecology will submit a grant proposal no later than March 31 and EPA will process the grant and provide funding no later than July 1 of that same year.
- 1C. Ecology will submit semi-annual CWA Section 319 grant progress reports by August 31 and March 1 of each year which cover the previous half of the state fiscal year.
- 1D. Ecology and EPA will continue to participate on Forests and Fish committees and workgroups, particularly the Policy Committee and the Cooperative Monitoring, Evaluation and Research Committee. Ecology and EPA will continue to work with Washington State Department of Natural Resources and other agencies to ensure forest practices rules are implemented to comply with the habitat conservation plan and with state water quality standards and the Clean Water Act.
- 1E. Ecology will enter all past year 319 project data, including load reduction estimates as applicable into the Grants Reporting and Tracking System. All data for funded projects will be entered no later than April 1<sup>st</sup> each year. Yearly load reduction data is due February 15<sup>th</sup> each year. (EPA Program Activity Measure (PAM) WQ-9)
- 1F. Ecology will report in the 2011 and 2012 Nonpoint Source annual reports the number of watershed-based plans, supported under the State Nonpoint Source Management Program since the beginning of FY 2002 that have been substantially implemented. Ecology will provide water miles/acres covered.
- 1G. Ecology will continue to work with EPA to complete at least two success stories per year. The stories will show progress toward or achievement of water quality standards under EPA PAM WQ-10 guidance, as a result of Nonpoint Source (NPS) implementation measures. These success measures will be housed on Ecology's website so that Ecology can keep them up to date.
- 1H. Ecology will coordinate with EPA on the nonpoint plan during its development. Ecology will submit the State Nonpoint Plan by June 2015.
- 1I. EPA will actively support Ecology as it prepares and issues its nonpoint strategy. EPA will make sure that their strategies in other areas such as the NEP program do not conflict with the nonpoint efforts and Nonpoint Plan for Washington.
- 1J. Ecology and EPA will work together toward final approval of Washington's Coastal Nonpoint Source Control Program (CZARA).
- 1K. Ecology will engage in EPA led NEP or Puget Sound Action plan efforts that interface with the State's Nonpoint Strategy and Nonpoint Plan.



## 2. Point Source Pollution Control

<b>Ecology</b> Bill Moore (360) 407-6460 <a href="mailto:bmoo461@ecy.wa.gov">bmoo461@ecy.wa.gov</a>	<b>EPA</b> Mike Lidgard (206) 553-1755 <a href="mailto:lidgard.michael@epa.gov">lidgard.michael@epa.gov</a>	<b>EPA</b> Jeff Kenknight (Compliance) 206-553-6641 <a href="mailto:kenknight.jeff@epa.gov">kenknight.jeff@epa.gov</a>
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### Objectives

- All discharge permits are current, protect water quality, human health and aquatic habitat; and include water conservation and pollution prevention measures.
- All discharges are in compliance with permits, water quality standards, best management practices, and other requirements to protect Washington's waters.
- All discharge permits implement applicable Waste Load Allocations from EPA-approved Total Maximum Daily Loads.
- Water quality laws are firmly and fairly enforced to ensure compliance.
- Requirements and procedures are clear and predictable.
- The National Pollutant Discharge Elimination System (NPDES) program is implemented effectively and in accordance with the current Memorandum of Agreement and Compliance Assurance Agreement.

### Activities and Measures - Pretreatment

<b>Ecology</b> Dave Knight (360) 407-6277 <a href="mailto:dakn461@ecy.wa.gov">dakn461@ecy.wa.gov</a>	<b>EPA</b> Michael Le (206) 553-1099 <a href="mailto:Le.Michael@epa.gov">Le.Michael@epa.gov</a>
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2A. Ecology will conduct an audit of each delegated pretreatment program at least every 5 years and a pretreatment compliance inspection (PCI) or audit of each pretreatment Publicly Owned Treatment Works (POTW) at least every 2 years. If Ecology is unable to complete the required audits and inspections, then Ecology must provide a plan to EPA addressing issues preventing completion of the requirements. The plan will outline proactive steps and a schedule Ecology will follow to meet audit and inspection targets. The plan must be submitted at the end of each state fiscal year for which Ecology has not fully met the requirements.

2B. Ecology will forward copies of pretreatment compliance inspection and pretreatment audit reports (EPA Form 3560-3) for Pretreatment POTW as soon as they are completed to:

Michael Le  
 Regional Pretreatment Coordinator  
 EPA Region 10, NPDES Permits Unit (OW-130)  
 1200 Sixth Avenue  
 Seattle, WA 98101

Ecology may instead fax them to his attention at (206) 553-1280, or email a scanned copy of each report to [Le.Michael@epa.gov](mailto:Le.Michael@epa.gov).

2C. Ecology will evaluate compliance status of all approved programs for non-compliance and report the facility names and permit numbers of POTWs with approved pretreatment programs in non-compliance to the Region 10 Pretreatment Coordinator by October 31 of each year. The report will cover the previous federal fiscal year.

## 2. Point Source Pollution Control

2D. Ecology will report the facility names and permit numbers of Significant Industrial Users (SIUs) including Categorical Industrial Users discharging to POTWs without approved pretreatment programs; and the SIUs of that universe that have been determined to be in significant noncompliance to the Region 10 Pretreatment Coordinator by October 31 of each year. The report will cover the previous federal fiscal year.

2E. Ecology will enter all data required to be reported under items 2A – 2D in Ecology’s Permit and Reporting Information System (PARIS).

### Activities and Measures - Compliance and Enforcement

Ecology	EPA	EPA
Greg Stegman (425) 649-7019 <a href="mailto:gste461@ecy.wa.gov">gste461@ecy.wa.gov</a>	Robert Grandinetti (509) 376-3748 <a href="mailto:grandinetti.robert@epa.gov">grandinetti.robert@epa.gov</a>	
2F. On at least a quarterly basis, EPA and Ecology program managers will meet to provide updates and discuss inspection and enforcement targeting. As needed, additional topics will include priorities and goals, performance expectations, enforcement program improvements, roles and responsibilities, work sharing, and the avoidance of duplication of efforts.		
2G. Ecology will continue its inspection program of major and minor facilities. Ecology will implement the Clean Water Compliance Monitoring Strategy (CMS) to ensure adequate coverage of regulated entities. The CWA CMS is part of an ongoing compliance monitoring strategy developed by EPA to allow for more flexible use of resources for States in performing inspections. Ecology will use the Region 10 National Pollutant Discharge Elimination System (NPDES) Compliance Monitoring spreadsheet for its annual CMS plan/report to be submitted to EPA by December 31 of each year. This CMS submittal is both a planning document for activities planned for the upcoming year and a reporting document to report on what occurred the previous year. EPA contact: Robert Grandinetti, email at <a href="mailto:grandinetti.robert@epa.gov">grandinetti.robert@epa.gov</a> . Ecology will ensure that each inspection report has a Quality Assurance review. This review could be done by a peer or a supervisor.		
2H. Ecology will continue to work with EPA to ensure the upload of data from PARIS to ICIS-NPDES. Any errors that occur are to be resolved in a timely manner.		
2I. Ecology will provide an annual report of their NPDES “traditional” non-major facilities to EPA by December 31 of each year. EPA sends a notice to Ecology each year requesting that they submit an Annual Non-Compliance Report for their “traditional” non-major facilities for the previous calendar year (i.e., if the report is due by December 31, 2013, it is for calendar year 2012 data). Points of contact for Ecology are Greg Stegman and Nancy Kmet.		
2J. Ecology will provide instructions and training, if desired, to Washington Department of Agriculture so that the Washington Department of Agriculture can: <ul style="list-style-type: none"> <li>• Continue to enter all information on permitted facilities into PARIS and;</li> <li>• Continue to enter all environmental compliance information into PARIS, permitted or not (excluding routine inspection information).</li> </ul>		
2K. Ecology will continue to participate in the State Review Framework (SRF). The next SRF process is presently scheduled to begin in 2016 and be completed no later than December 31,		

## 2. Point Source Pollution Control

2017. Ecology will work with the EPA to implement recommendations and address areas that need attention as identified in the 2017 SRF review and report.

2L. As part of the SRF, Ecology will participate in annual data verification of Ecology data in ICIS-NPDES. Each fall EPA Headquarters will post the specific set of data verification metrics on the database, “Enforcement and Compliance History Online” (ECHO). Ecology will ensure that any necessary data corrections are made in the program data systems. After verified data are frozen, the EPA will develop a full SRF Data Metric Analysis in spring 2016 for FFY 2015 data and a condensed annual Data Metric Analysis by September 30, 2017, for FFY 2016 data. These are used by EPA to assess performance and trends in performance and to discuss any issues with Ecology.

2M. Rob Grandinetti will serve as an *ex officio* member of the Water Quality Program’s Enforcement Workgroup, which meets quarterly.

### Activities and Measures - Permits

#### Ecology

Bill Moore  
(360) 407-6460  
[bill.moore@ecy.wa.gov](mailto:bill.moore@ecy.wa.gov)

#### EPA

Karen Burgess  
(206) 553-1644  
[burgess.karen@epa.gov](mailto:burgess.karen@epa.gov)

2N. Ecology will maintain the overall NPDES facility backlog to no greater than 20 % during this PPA period. Ecology will submit a draft “NPDES permitting plan” to EPA by June 1 of each year that covers the upcoming state fiscal year. The plan will list the permits that Ecology intends to work on and will note which of them are designated “high priority.” Ecology will identify the number of “high priority” permits to issue during each federal fiscal year. Ecology will report to EPA once per quarter on issuance of high priority permits and the NPDES backlog rate (PAMS WQ-18 and WQ-29). The data is available electronically through the PARIS/ICIS database link. EPA will use that data and only ask Ecology for data specified in this agreement that is not in ICIS.

2O. EPA will reduce the NPDES backlog of federal and tribal permits to 30% by June 2017. EPA will share its NPDES permitting plan with Ecology by October 1 of each year which covers the upcoming federal fiscal year. The plan will list the permits EPA intends to work on and will note which permits are designated “high priority,” such as permits in areas covered by approved TMDLs or in Puget Sound.

2P. EPA will attempt to review at least one Ecology permit per month on average subject to availability and EPA’s draft permit review selection process. Permits are reviewed programmatically for consistency with state and federal regulations and policies. EPA reviews major permits, with emphasis on larger facilities and dischargers with potential to significantly impact receiving environments. EPA also reviews permits as requested by Ecology. When possible, EPA’s review rotates among Ecology regions. EPA will not hold NPDES permits issued by Ecology to a higher standards than required by the CWA and federal regulations.

2Q. Ecology will continue to be responsible for issuing coverage under the Concentrated Animal Feeding Operation (CAFO) permit. Ecology will reissue the CAFO permit in 2015. EPA will review and comment on the draft permit and provide technical assistance to the state as needed. (PAM WQ-19)

## 2. Point Source Pollution Control

- 2R. EPA will help seek additional funds for Ecology’s effort to estimate toxics loading from point sources to Puget Sound.
- 2S. Ecology will improve permit and fact sheet shells and other tools through its Permit Workgroup. EPA sits on the Permit Workgroup and has the opportunity to comment on the adequacy of the changes that Ecology permitting practices.
- 2T. EPA will conduct the Permit Quality Review (PQR) during the period of the PPA to evaluate Ecology’s NPDES permit program. EPA will coordinate closely with Ecology in identifying permits, scheduling on-site file reviews and finalizing the PQR report. Ecology will provide documentation and information needed to conduct the PQR in a timely manner.
- 2U. Ecology and EPA will update Washington’s NPDES permit program Memorandum of Agreement in conjunction with the PQR process.
- 2V. EPA will continue to work on its federal facility permit backlog.
- 2W. Compliance and permitting representatives from both EPA and Ecology will meet on an annual basis for an NPDES planning session consistent with EPA’s Clean Water Action Plan. This meeting will be separate from the water quality managers’ meeting to discuss overall progress under the PPA (see item 8C). Participants will discuss NPDES goals, priorities, performance expectations, areas for program improvements as identified during program reviews, inspection and enforcement targets, roles and responsibilities, work sharing and the avoidance of duplicating efforts. The annual review will take place by October 31 and will be coordinated by the EPA’s NPDES Compliance Unit. The meeting may include participants from other EPA and/or Ecology programs as necessary to facilitate cross-program coordination and communication. Additional meetings may be needed to follow up on specific priorities, activities and/or issues. Priorities, action items and performance measures identified through this planning process may be reflected in future PPAs as appropriate.

## 3. Water Cleanup Plans (TMDLs) and Standards

**Ecology**  
 Melissa Gildersleeve  
 (360) 407-6461  
[mgil461@ecy.wa.gov](mailto:mgil461@ecy.wa.gov)

**EPA -Water Cleanup Plans**  
 Laurie Mann  
 (206) 553-1583  
[mann.laurie@epa.gov](mailto:mann.laurie@epa.gov)

**EPA - Water Quality Standards**  
 Angela Chung  
 (206) 553-6511  
[chung.angela@epa.gov](mailto:chung.angela@epa.gov)

**EPA - Water Quality Assessments**  
 Jill Fullagar  
 (206) 553-2582  
[Fullagar.jill@epa.gov](mailto:Fullagar.jill@epa.gov)

### Objectives:

- Water cleanup plans (TMDLs) are scheduled, completed, implemented, and their success is evaluated.
- Ecology will move straight to implementation in less complicated watersheds.
- Develop, maintain, and implement surface water quality standards that protect beneficial uses.

### 3. Water Cleanup Plans (TMDLs) and Standards

- Comprehensively assess water bodies in Washington to assign categories according to water quality, to meet Clean Water Act requirements in sections 303(d) and 305(b).

#### Activities and Measures - Water Cleanup Plans (Total Maximum Daily Loads)

- 3A. Ecology will report and track on TMDLs completed and straight to implementation efforts that result in clean water.
- 3B. Ecology and EPA will meet at least once per year to conduct workload planning and evaluation for the development and implementation of TMDLs. Ecology will also provide EPA with annual lists of TMDLs to be completed for the upcoming year and prepare annual TMDL progress reports for the previous year, with the goal of maintaining an average pace of 53 TMDLs per year. EPA will provide Ecology with information on TMDLs for federal facilities and tribal lands for the purposes of ongoing coordination. At this meeting, Ecology will report on the pace to produce TMDLs. EPA and Ecology will coordinate on any TMDLs EPA proposes to develop before EPA begins work. At least twice per year, EPA will give Ecology regular updates on EPA's review/approval of TMDLs. The review will include information on each TMDL in process – both current status and expected next steps.
- 3C. Ecology will report on the management measures in the Spokane River PCB comprehensive plan.
- 3D. Where Washington is engaged in a TMDL that crosses jurisdictions, EPA will provide the leadership for bringing those issues to resolution.
- 3F. Work with EPA to develop a plan that is consistent with EPA's 303(d) Vision by December 31, 2015. This plan may describe Ecology's process, actions, or determinations on the following components of EPA's 303(d) Vision: prioritization, assessment, protection, alternatives, engagement, and integration.
- 3H. Ecology will submit the human health criteria and implementation tools rule to EPA in 2015 for approval. Upon completion of this process, Ecology will begin work to develop human health criteria for methylmercury. As we look at developing that criteria we will need additional assistance from EPA on how to implement the criteria.
- 3I. Ecology will submit revised recreational water quality criteria by September 2016 to EPA for approval to satisfy the 2014 National Beach Guidance and Required Performance Criteria for Grants. Consistent with the documentation sent in order to receive BEACH grant: The Washington Department of Ecology conducted a Triennial Review in 2010 and developed a "Five Year Work Plan" for conducting numeric criteria updates or revisions. Work on new bacteria indicators and criteria for marine and freshwater, to be based on EPA national criteria updates, are expected to begin in FY 15. This work is contingent upon other priority rule revisions being adopted by the state and approved by EPA.[1]

[1] Human health criteria rule-making is underway and expected to go to formal rule-making in January 2015. Timely EPA approval will be needed before new rule-making can commence. In addition, the initiation of any rule process needs final approval from the agency director prior to initiation.

### 3. Water Cleanup Plans (TMDLs) and Standards

#### Activities and Measures - Water Quality Standards

- 3J. Ecology will submit the human health criteria and implementation tools rule to EPA in 2015 for approval.
- 3K. Ecology will provide technical assistance to others in the development of use attainability analyses, variances, and other tools where a change in a standard appears appropriate. Ecology and EPA will work together throughout the development of such water quality standard changes. EPA will provide a timely response to use attainability analyses and other submittals from Ecology that require EPA approval or review.
- 3L. EPA will take the lead in coordinating a process to resolve conflicts created when different standards are adopted for shared waters (tribal and state jurisdictional boundaries).
- 3M. EPA will provide information to Ecology on tribal water quality standards in a timely manner, and will work with the tribes to encourage outreach to state governments and the state's non-tribal citizens.
- 3N. Ecology and EPA will continue to work together on addressing priority nutrient problems to reduce current loadings of nitrogen and phosphorus to surface waters through existing programs and state priorities.
- 3O. EPA and Ecology will regularly share information and meet on an as needed basis, at least once a year, to discuss the status of ongoing and future water quality standard projects.

#### Activities and Measures – Water Quality Assessments

- 3N. Ecology will submit the Water Quality Assessment for fresh waters in 2015 and will prepare to conduct a “call for data” to begin the next assessment as soon as EPA approves Category 5 of the Assessment.
- 3O. Ecology will continue to work with EPA to ensure Washington's Watershed Assessment Tracking (WATS) System database has fields equivalent to the data elements defined in EPA's Assessment Database. This will improve the ability to provide consistent reporting at the national level. (PAM WQ-7, EPA National Water Program Fiscal Year 2009 Guidance)
- 3P. Ecology will continue to track water quality monitoring data in its Environmental Information Management (EIM) database for use in the periodic assessment of water bodies for the Integrated Report.
- 3Q. Ecology will tally and justify the number of water bodies / impairments that have moved from Water Quality Assessment Categories 4 or 5 (as listed in the next approved Washington State Water Quality Assessment) to Categories 1 through 3 after approval is received by EPA on the 2014 Assessment. (PAMs SP-10 and SP-11)

## 4. Stormwater (including CSOs and SSOs)

<p><b>Ecology</b>          Mark Henley (CSOs and SSOs)          (425) 649-7103  <a href="mailto:mahe461@ecy.wa.gov">mahe461@ecy.wa.gov</a></p> <p>Bill Moore (Stormwater)          (360) 407-6460  <a href="mailto:Bmoo461@ecy.wa.gov">Bmoo461@ecy.wa.gov</a></p>	<p><b>EPA - Compliance/Enforcement</b>          Stacey Erickson (Stormwater)          (206) 553-1380  <a href="mailto:Erickson.stacey@epa.gov">Erickson.stacey@epa.gov</a></p>
<p><b>EPA - Compliance/Enforcement</b>          Rob Grandinetti (MS4)          (509) 376-3748  <a href="mailto:Grandinetti.robert@epa.gov">Grandinetti.robert@epa.gov</a></p>	<p><b>EPA - Permits</b>          Misha Vakoc          (206) 553-6650  <a href="mailto:Vakoc.Misha@epa.gov">Vakoc.Misha@epa.gov</a></p>

### Objectives:

- Provide best available science, information, and tools to local governments and industry to manage stormwater.
- Expedite stormwater project review and delivery.
- Provide a compliance pathway for businesses, industries, local governments and others to federal stormwater permit requirements.
- Implement a municipal stormwater permitting program for Phase I and Phase II that is consistent with Federal permitting requirements and protects water quality and is consistent with other environmental programs such as Superfund and National Estuary Program Management Plans.
- All discharge permits implement applicable Waste Load Allocations from EPA- approved TMDLs.

### Activities and Measures

- 4A. Ecology will continue to manage the Phase I and Phase II stormwater permit program. This includes construction, industrial and municipal stormwater permits.
- 4B. Ecology will continue to implement Ecology’s combined sewer overflow (CSO) reduction regulation in all NPDES permits issued to facilities that operate a combined sewer system (CSS). Per Ecology’s regulation, such permittees have approved CSO Reduction Plans in place. NPDES permits for CSS facilities include requirements for the submission of Annual CSO Reports and a CSO Reduction Plan Amendment at the end of each permit cycle.

Permits may also include a compliance schedule for the implementation of projects during the permit cycle. To comply with EPA’s 1994 CSO Control Policy, Ecology will incorporate into NPDES permits the requirements to implement the Nine Minimum Controls (NMC), and Long Term Control Plan (LTCP) elements including:

- Public participation in the planning process.
- No feasible alternatives analysis for permits with authorized bypass language where appropriate.
- Post construction compliance monitoring as appropriate.



## 4. Stormwater (including CSOs and SSOs)

EPA will recognize the similarities, differences and seniority of Ecology's combined sewer overflow (CSO) reduction regulation (issue date 1/27/87) as compared to EPA's 1994 CSO Control Policy (codified in the Wet Weather Water Quality Act of 2000). EPA and Ecology will work together to resolve differences so that permittees can securely implement CSO reduction projects to reach the level of control. EPA will perform some inspections of the CSO facilities in Washington.

- 4C. Ecology will assure that all new NPDES permits include language prohibiting sanitary sewer overflows (SSOs) and requiring reporting if such SSOs occur.
- 4D. Ecology MS4 permit managers will develop an audit/ inspection program plan for targeted MS4 facilities. Inspections and audits will begin in 2016.
- 4E. Ecology will implement the industrial stormwater general permit by providing technical assistance and enforcement.
- 4F. Ecology will prepare an annual Sanitary Sewer Overflow report card. The report will include a list of SSO events, estimated volumes and solutions. The report will be submitted by April 1 of each year and cover the preceding calendar year. The report(s) will be emailed to Rob Grandinetti at [Grandinetti.robert@epa.gov](mailto:Grandinetti.robert@epa.gov)

Ecology may also email the report to [Grandinetti.robert@epa.gov](mailto:Grandinetti.robert@epa.gov).

## 5. Groundwater and Underground Injection Control

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### Objectives:

- Protect groundwater quality, beneficial uses and safe drinking water by ensuring that the groundwater quality standards are met. All groundwater in Washington State is classified and protected as a potential source of drinking water.
- Provide groundwater quality technical assistance to the public; local, state and federal government; as well as permitted facility operators and permit applicants.

### Activities and Measures – Groundwater - Base

- 5A. Ecology will finalize a statewide nitrate prioritization project to provide better mapping and data-sharing capabilities on where nitrates are occurring, in partnership with state agencies working on



## 5. Groundwater and Underground Injection Control

agricultural land issues (Agriculture and Conservation Commission), the Department of Health (DOH), USGS, NRCS, and EPA. Ecology will publish the report and make data available.

- 5B. Ecology and EPA will continue to provide a single point of contact to work with each agency and other stakeholders on the Yakima Groundwater issue and will work to make sure their internal programs are coordinated so agencies and stakeholders get a coordinated message. Ecology Water Quality Program will work to implement activities to address the pollutant sources in the lower Yakima. The Lower Yakima Valley Ground Water Management Area (LYV-GWMA) is functioning with Yakima County acting as lead agency. The GWMA continues work to identify and quantify nitrate sources and establish a long-term nitrate monitoring program. A final Groundwater Management Program is expected in 2017. Funding has been provided by the State Legislature and Ecology remains actively involved. The U.S. Geological Survey has completed an enhanced SPARROW (SPAtially Referenced Regressions On Watershed attributes) model and Ecology will use it in identifying and quantifying non-point nutrient sources and the role of nutrients in groundwater.
- 5C. Ecology will provide technical consultation on groundwater quality issues related to nonpoint sources of groundwater contamination, depending on needs and resources available.
- 5D. Ecology will protect safe drinking water through continued work with DOH, including incorporating the results of source water assessments of drinking water systems into education, technical assistance and enforcement efforts as resources allow.
- 5E. Ecology will provide technical and educational services on local jurisdiction Critical Aquifer Recharge Area plans and ordinances related to the protection of groundwater depending on needs and as resources allow.
- 5F. Ecology and EPA will coordinate on EPA-funded projects that have the potential to impact state groundwater resources.

### Activities and Measures - Underground Injection Control (UIC)

- 5G. Ecology will protect drinking water and groundwater quality by implementing the Underground Injection Control (UIC) program and associated UIC Rule (WAC 173-218). Ecology will:
- Implement the UIC rule program by completing out-reach activities to better educate the public and private well owners on the rule program, such as developing guidance on well assessments, distributing brochures to local governments, and offering training as needed.
  - Provide technical assistance to owners of private and publicly owned UIC wells.
  - Submit reports to EPA in a timely manner, and continue to work with EPA to ensure the appropriate information is provided in a format that meets each agency's needs. Ecology will submit inventory, inspection and closure information to EPA electronically. (2011 PAMs SDW 7b and 8)
  - If requested, Ecology will conduct joint UIC inspections with EPA. If UIC wells are found to be out of compliance, Ecology and/or EPA will take appropriate actions to correct the situation.

## 5. Groundwater and Underground Injection Control

- Ecology will use the grant funds received from EPA's Information Exchange Network Grant Program to prepare and upload its UIC data to EPA's Central Data Exchange Network and will use the CDX Network for biannual data transfers.

## 6. Sediments

### Ecology

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### Objectives:

- Cleanup and restore existing contaminated sediments and prevent future sediment contamination.

### Activities and Measures

- 6A. Ecology will update the Sediment Cleanup Status Report.
- 6B. Ecology has adopted freshwater sediment standards and will develop implementation guidance.
- 6C. Ecology will work to develop guidance to support the cleanup of wood waste sediment sites in the state.
- 6D. Ecology sediment staff will provide ongoing support to water quality staff for the development of the next 303(d) Impaired Water Bodies list as related to sediment quality. This will include updating procedures in program policy to determine sediment impacted water bodies for 303(d) listing purposes based on Sediment Management Standards rule interpretation.
- 6E. Ecology will continue to participate with the Bellingham Bay Pilot partners in implementing planned Bellingham Bay cleanup and restoration plan actions.

## 7. Financial Assistance

### Ecology - Financial Assistance

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## 7. Financial Assistance

### Objectives:

- Provide low-interest loans to public bodies for high priority water quality projects that improve and protect the water quality of Washington State.
- Protect the public health and the environment by funding sustainable improvements to existing wastewater infrastructure and construction of new efficient wastewater infrastructure.
- Provide loan subsidy to address water quality infrastructure projects needs in small, financially challenged communities.
- Provide funding for priority nonpoint source projects and for implementation of Washington's comprehensive estuary management plans.

### Activities and Measures – Special Appropriation Act Projects (SAAP) / State and Tribal Assistance Grants (STAG)

7A. New appropriations may or may not be made each FFY. Currently all projects are closed, so Ecology will be available for audit resolution assistance, if needed. If new appropriations are made Ecology will manage projects by performing the following tasks.

Oversight of the projects may include the following:

- Tracking and reporting
- Technical assistance
- The review of:
  - Grant applications
  - Facility plans and/or preliminary engineering reports
  - Plans and specifications
  - Bid solicitation and contract documents
  - Bid evaluation and contract award
  - Change orders, payment requests for jointly funded projects
  - Operation and maintenance manual for jointly funded projects
  - Owners/engineers declaration that the project is capable of meeting the objectives for which it was planned, designed and constructed
- Interim and final inspections for jointly funded projects
- Audit resolution assistance
- Certification that the grant can be closed out

7B. Funding for Ecology staff time for administration and oversight of these wastewater SAAP/STAG projects will come from the 3 percent set-aside monies provided for in a grant awarded to Ecology.

### Activities and Measures – Clean Water State Revolving Fund Loan Program

7E. Ecology will manage the Washington State Water Pollution Control Revolving Fund (SRF) program per Chapter 173-98 WAC, Uses and Limitations of the Washington State Water Pollution Control Revolving Fund as it was amended on November 20, 2013. Ecology will monitor and evaluate key management and policy aspects of the SRF program, including the interest rate structure, adequate program management and administration, water quality outcomes and benefits reporting, and perpetuity.

## 7. Financial Assistance

**Assuming that timely appropriations are made by Congress and the State, Ecology will:**

- Issue the SRF Draft List and Intended Use Plan for each state fiscal year (SFY) on, or before, March 31 of each year.
- Apply for the SRF Capitalization Grant by May 31 of each year.
- Issue the SRF Final List and Intended Use Plan for each SFY on, or before, July 1 of each year.
- Submit the SRF data through the National Information Management System. .
- Submit SRF Annual Reports to EPA by September 30 of each year.
- Report project information and environmental outcomes for each SRF funded project through EPA’s CWSRF Benefits Reporting System.
- Review and update if necessary, the SRF Operating Agreement between EPA and Ecology every two years.

7F. During the 2015-17 biennium, Ecology staff time and resources needed for administration and oversight of the SRF program will be funded through a combination of the four (4) percent administrative set-aside from the federal Capitalization Grant and funds from the Administration Charge Account. Ecology will evaluate the possible future use of 1/5 percent of the SRF fund’s “Total Net Position” based on the most recent audited financial statements, as allowed for under the 2014 CWA amendments.

7G. Ecology and EPA will continue to work toward Ecology’s designation as EPA’s non-Federal Representative for informal ESA consultation for revolving fund financed treatment works projects.

7H. Ecology will continue to address expeditious use of federal funds and reduce unliquidated obligations by making payments on all new loan projects from the federal grant funds, oldest first, with a goal of having only the most recent federal grant award open by the end of the 2015-17 biennium.

### Activities and Measures - Implementing Provisions of the America Recovery and Reinvestment Act (ARRA) of 2009

7I. As of June 2014 all projects were closed. Ecology will ensure an audit is conducted to confirm additional subsidization requirements were met and provide that information to EPA so they close the capitalization grants.

## 8. Administrative

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### Objectives:

- The Agreement is managed for efficiency and accountability.
- Electronic data sharing is the preferred mechanism to transfer information.

## 8. Administrative

### Activities and Measures

- 8A. Ecology will develop water quality performance measures and report these to EPA on a semi-annual basis by August 31 and February 28 of each year.
- 8B. Ecology will provide a written status report on the commitments in this Agreement to EPA on a semi-annual basis by August 31 and February 28 of each year. Ecology will post this status report on their Agreement website.
- 8C. Ecology and EPA water quality managers will meet annually to discuss key water quality issues and progress in meeting the commitments in this Agreement. Ecology will organize and host the 2015 meeting and EPA will organize and host the 2016 meeting.
- 8D. EPA will participate in Water Quality Program management meetings when necessary to coordinate an effective water quality program. EPA will provide Ecology with relevant information on implementing water quality regulatory programs including water quality protection programs of other states to assist Ecology. EPA will notify Ecology of any federal law, regulatory change, or policy interpretation that would necessitate a change in State law to maintain a delegated program. Ecology will work with EPA to develop appropriate responses to such notifications.

# Appendix A. Public Comments

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Note: No comments were received during the 30-day comment period ending June 29, 2015.

# Appendix B. RCRA Procedures

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The following RCRA-based procedures are carried out in support of Ecology's core RCRA work.

These items are not a focus of the specific work plans referenced in [Chapter 8](#). While less routine, these procedures are noted here to ensure they are formally incorporated into this Agreement. EPA and Ecology anticipate these items will be incorporated into the next RCRA Memorandum of Understanding (MOU), last revised in 2006. Periodic updates of this MOU are needed every few years to be sure Ecology's hazardous waste authorization and procedures are properly aligned with those of EPA and the federal RCRA rules.

## Financial Assurance (EPA)

EPA will continue to communicate with Ecology about its national strategy and will incorporate Ecology's interests into implementation efforts. EPA will coordinate with Ecology regarding EPA's oversight efforts related to financial assurance compliance. EPA will provide support to Ecology when requested as resources permit.

## Review of Corrective Action Procedures

Both EPA and Ecology recognize resources are limited and the potential for further budget cuts during the period of this Agreement. The corrective action procedures (per formal RCRA "Corrective Action" requirements) described below are intended to avoid duplication of effort and provide a clear and streamlined corrective action review process.

Washington's corrective action program is an authorized, mature program that does not warrant extensive review and oversight by EPA. However, EPA seeks to ensure that corrective action decisions comply with federal law. To this end, EPA retains its ability to review decisions made by the state. The following procedures describe how EPA and Ecology will conduct agency reviews:

- At the quarterly RCRA Managers meetings, EPA will identify facilities where they have a significant interest in reviewing Ecology draft decisions.
- For facilities that have an approaching cleanup milestone requiring public notice (in state or federal law), Ecology will share their draft decision with EPA three weeks before initiating public notice.
- EPA will provide their comments, including those from their legal counsel, to Ecology before the end of the three-week period so public comment periods can stay on schedule, and EPA comments are given to Ecology before the start of the comment periods.
- All EPA comments regarding Ecology's decision will include the specific RCRA law or rule requirement that EPA believes either (a) does not satisfy, or (b) potentially violates RCRA. EPA will also suggest remedies.
- All Ecology comments regarding the EPA decision will include the specific law or rule requirement that Ecology believes either (a) does not satisfy, or (b) potentially violates RCRA. Ecology will also suggest remedies.
- EPA and Ecology will base their comments on laws and/or rules. Any comments provided without a law or rule reference will be characterized as technical opinions for information or discussion purposes only.

- Ecology and EPA will use the quarterly RCRA Managers meetings to determine, well in advance, any other facilities that EPA wishes to review, and if any further decisions merit cross-agency review and comment before a final decision.
- The non-lead agency may make suggestions not based on a law or rule, but those suggestions will not be binding on the lead agency.

## RCRA Permitting Procedures

This section describes the procedures for EPA and Ecology interaction regarding the development of RCRA permits.

While EPA may comment on any draft permit or proposed permit modification, EPA's oversight will focus on major facilities. Major facilities will be identified in the referenced RCRA Work Plan, the HWTR's program description within the state program's formal authorization from EPA, or at the quarterly RCRA Managers meetings.

Ecology and EPA will strive to agree on permit conditions before issuing a draft permit or proposed permit modification for public comment. Ecology and EPA will assign lead staff to each major permit. The leads will resolve issues quickly and proceed to finalize the respective permit or permit modification. Ecology and EPA will discuss and agree to the specific schedules for these reviews at the quarterly RCRA Managers meetings. Both agencies intend to follow the procedures and timeframes established, subject to respective resource constraints.

Ecology and EPA agree to:

- Provide copies of all major permit applications, proposed permits, and draft permits for review and comment within two weeks of receipt.
- Provide copies of all major final permits within two weeks of issuance.

Ecology and EPA will also determine at quarterly RCRA Managers meetings which, if any, non-major facility permit applications, draft permits, and/or proposed permits Ecology will submit to EPA for review and comment.

Ecology will host a SharePoint site for each of the RCRA operating permit applications and renewals. EPA, Ecology, and the respective facility will have access to the SharePoint site during the entire permit review and development process. The SharePoint site will allow for document collaboration during permit review.

For all Ecology RCRA permit actions at major treatment, storage and/or disposal (TSD) facilities, there will be three specific opportunities for EPA to comment:

1. At the beginning of a TSD permit application review.
2. Before public notice of the preliminary draft permit.
3. As part of the final public comment period.

Ecology will consider all comments EPA makes on permit applications and preliminary draft permits. Ecology will resolve or refute EPA's concerns on a particular permit application, proposed permit



modification, or draft permit in writing before issuing the permit or making the modification. EPA will withdraw such comments if satisfied that Ecology has met its concerns.

## **Beginning of a TSD Permit Application Review**

First, a draft application is submitted to Ecology. This triggers the first opportunity for EPA to comment on the application. EPA may review the draft application to help Ecology determine whether the application is complete. The purpose of this review is to identify inadequate information in an application.

EPA's comments will include:

- A justification, based on guidance or rule, why more or different information is necessary.
- A specific description of what changes EPA suggests are needed to determine the application is complete.

EPA's goal is to submit comments in writing to Ecology within three weeks of receipt of the application, or on a schedule otherwise mutually agreed upon before or at the next quarterly RCRA Managers meeting. Ecology must receive EPA's comments before Ecology finishes the completeness review, as required by WAC 173-303-840(1)(b).

## **Before Public Notice of the Preliminary Draft Permit**

The second opportunity for EPA to comment is on Ecology's preliminary draft permit, before the public notice process begins. Ecology will alert EPA when a preliminary draft permit is ready for public notice. EPA intends to use this opportunity in the majority of cases. This is an informal review, for the purpose of identifying any issues that should be resolved before the preliminary draft permit is open for public comment. EPA comments will include:

- A statement of the reasons for the comment, including the section(s) of RCRA and/or the state regulations that support the comment; and
- Recommended actions that Ecology should take to address EPA's comments, including the conditions that the permit would include if issued by EPA.

EPA will respond within three weeks of receipt of the preliminary draft permit, or on a schedule otherwise mutually agreed upon before or at the next quarterly RCRA Managers meeting.

In addition to comments, EPA is also encouraged to submit suggestions addressing issues not covered in rule or official agency guidance, but which EPA believes may enhance or improve the permit's quality or documents. Ecology will consider the suggestions and may incorporate them into permitting documents, including the preliminary draft permit.

If Ecology can't sufficiently resolve EPA's comments on the draft permit, Ecology may request that EPA Region 10's Administrator and Ecology's Director meet before the public notice of the draft permit. The EPA Regional Administrator and Ecology's Director will make an effort to meet within 20 days of the date the EPA Regional Administrator receives the Ecology Director's request.

## **Final Public Comment Period**

The third opportunity for EPA to comment is during the formal public comment period for the draft permit. During this time, EPA may comment on any draft permit action, whether or not EPA commented on the permit application or the preliminary draft permit. EPA expects the use of this option will be rare.

When EPA comments that the issuance, modification, re-issuance, termination, or denial of a permit would be inconsistent with the approved RCRA program, EPA will include:

- The reasons for the comment, to include the section(s) of state law or rule(s) that support the comment.
- The actions Ecology should take to address the comment, including the conditions the permit would include if issued by EPA.

## **Procedures for Addressing Permitting Issues Resulting from Authorization Changes**

If Ecology's RCRA authorization should change during the period of the Agreement, the Agreement may need formal modification. In such an event, Ecology and EPA will follow a coordinated permitting process. In this process, two permit actions would be anticipated: (1) Ecology would issue a permit for the requirements for which it is authorized, and (2) EPA would issue a permit for those RCRA requirements for which the state is not authorized. The two permit actions may be taken separately, but, to the extent possible, Ecology and EPA will strive to coordinate schedules to issue them at the same time. This is so one fact sheet, one public notice and one public comment period can be used. On a case by case basis, HWTR and EPA may instead agree to issue a joint permit.

Provide a reasonable advance notice to Ecology before conducting a RCRA program review related to this Agreement. This is to ensure adequate Ecology resources can be re-directed from other work elements in the Agreement to support such a review. The mutual goal is to assure a timely, quality, and accurate review can take place. This acknowledges that other Ecology tasks in the Agreement may have to be scaled back or delayed because of such a review. Any such review undertaken by EPA will measure Ecology's performance against the EPA RCRA Enforcement Response Policy.