



DEPARTMENT OF  
**ECOLOGY**  
State of Washington



# **Environmental Performance Partnership Agreement**

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

---

State Fiscal Years 2018–2019  
July 1, 2017–June 30, 2019

June 2017  
Publication no. 17-01-001



## Environmental Performance Partnership Agreement For July 1, 2017–June 30, 2019

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

We, the undersigned, Maia D. Bellon, Director for the Washington State Department of Ecology and Michelle Pirzadeh, Acting 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 2017-2019 state biennium.

Signed,

*Maia Bellon by Polly Zehm*

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

DATE: 6/27/17

*Michelle Pirzadeh*

Michelle L. Pirzadeh, Acting Regional Administrator  
U.S. Environmental Protection Agency Region 10  
Seattle, Washington 98101

DATE: 6/27/17

## Publication and Contact Information

This report is available from:

- Ecology's website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1701001.html>
- EPA's website at <http://yosemite.epa.gov/R10/homepage.nsf/washington/washington-ppa>

For more information contact:

### **ECOLOGY**

#### **Eli M. Levitt**

WA State Department of Ecology  
300 Desmond Drive  
P.O. Box 47600  
Olympia, WA 98504-7600  
Phone: 360-407-6822  
FAX: 360-407-7534  
E-mail: [eli.levitt@ecy.wa.gov](mailto:eli.levitt@ecy.wa.gov)

### **EPA REGION 10**

#### **Jack Boller**

US EPA, Region 10  
Washington Operations Office  
300 Desmond Drive, Suite 102  
Lacey, WA 98503  
Phone: 206-553-2953  
FAX: 360-753-8080  
E-mail: [oller.jack@epamail.epa.gov](mailto:oller.jack@epamail.epa.gov)

*To ask about the availability of this document in a format for the visually impaired, call Ecology's Executive Office at 360-407-7000. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.*

# **Environmental Performance Partnership Agreement**

---

State Fiscal Years 2018–2019  
July 1, 2017–June 30, 2019

by

Washington State Department of Ecology

and

U.S. Environmental Protection Agency

June 2017

*This page intentionally left blank.*

# Table of Contents

---

<b>Chapter 1 - Performance Partnership Overview</b> .....	<b>1</b>
Introduction.....	1
Purpose.....	1
Budget concerns.....	2
What is not covered in this agreement.....	3
Ecology’s primary programs covered in this agreement.....	4
Priorities.....	4
Ecology’s and the EPA’s planning processes.....	5
Tribal relations.....	6
EPA grants to Ecology.....	7
Assessment process.....	8
<b>Chapter 2 - Quality Assurance</b> .....	<b>11</b>
Introduction.....	11
Quality assurance policies.....	11
Quality management plan.....	12
Standard Operating Procedures (SOPs) and Quality Assurance Project Plans (QAPP) implementation.....	12
National Estuary Program (NEP) activities.....	13
Status reports.....	13
EPA quality system review.....	13
Quality assurance training.....	14
<b>Chapter 3 - Information Management</b> .....	<b>15</b>
Introduction.....	15
Data sharing.....	15
Data integration.....	15
<b>Chapter 4 - Environmental Justice</b> .....	<b>17</b>
Introduction.....	17
Environmental justice activities.....	17
<b>Chapter 5 - Compliance Assurance</b> .....	<b>21</b>
Introduction.....	21

<b>Chapter 6 - Mutual Priorities for EPA and Ecology .....</b>	<b>25</b>
Introduction.....	25
Preventing and reducing toxic threats.....	25
Delivering integrated water solutions .....	27
Protecting and restoring Puget Sound.....	28
Toxics prevention, reduction, and control .....	30
Leading the effective and efficient cleanup of Hanford .....	30
Reducing and preparing for climate impacts and ocean acidification .....	31
Supporting community right-to-know .....	33
<b>Chapter 7 - Air Quality Program .....</b>	<b>35</b>
Enhancing Public Health by Improving Air Quality .....	35
Introduction.....	35
Review process .....	36
The EPA strategic plan alignment .....	36
<b>Chapter 8 - Hazardous Waste (RCRA) .....</b>	<b>47</b>
Introduction.....	47
Assuring compliance.....	47
Ecology’s RCRA activities .....	48
EPA’s RCRA activities.....	48
Evaluating activity commitments and levels of effort .....	49
RCRA priorities and goals .....	49
Compliance assurance.....	55
Corrective action.....	56
Technical assistance from Ecology.....	58
Technical assistance from the EPA.....	58
The EPA’s coordination and contracts .....	59
<b>Chapter 9 - Water Quality Program.....</b>	<b>61</b>
Introduction.....	61
Full-time employee summary .....	61
<b>Appendix A - Public comments .....</b>	<b>77</b>

# Chapter 1 - Performance Partnership Overview

---

## Introduction

This Environmental Performance Partnership Agreement (Agreement) documents commitments between the Washington State Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA). All aspects of this Agreement regarding the EPA are managed through the EPA Region 10, Seattle, Washington. This Agreement describes the EPA-funded activities carried out by Ecology programs that address:

- Water quality
- Air quality
- Hazardous<sup>1</sup> waste
- Nuclear waste

This Agreement covers July 1, 2017, to June 30, 2019, and does not restrict the EPA or Ecology's legal oversight or enforcement authority.

Decisions made by Ecology and the EPA are the basis for the commitments and plans in this Agreement. Before both parties sign this Agreement, it is subject to a 30-day formal public review period. Comments received during this period, and responses, will be provided in an appendix in the final report.

## Purpose

Ecology and the 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.

---

<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.



## Budget concerns

State revenue shortfalls have reduced Ecology's budget for the past four cycles (eight years) of these agreements. For this Agreement's period, we are hoping for some stability—but do not yet have our budget. EPA also anticipates continued budget reductions during this same period. Therefore, it is likely the capacity will be reduced, in both agencies, to carry out many of the core activities outlined in this Agreement. Specific reductions and impacts will not be clear until later in calendar year 2017, after this Agreement is signed and put into action.

To address the time lag between writing and signing this Agreement's budget details and implications, both agencies agree to meet by the end of calendar year 2017. The meeting(s) will address specific budget cuts and how they may affect the related plans and commitments in this Agreement and what adjustments we might need to make to this Agreement. If other budget adjustments are needed, during the period of the Agreement, both agencies will meet to coordinate related impacts, activities, and deliverables.

## Overarching goals and objectives

As part of this Agreement, the 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 the EPA's National Environmental Performance Partnership Guidance (2013), available through the EPA.

### **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 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 (EJ) 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 goals.**

- 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 the EPA only.

- The 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 the EPA have, and will continue to develop separate environmental agreements with individual tribes. Still, Ecology and the EPA recognize that collaboration with individual and regional tribes is important for better environmental management, as well as for advancing environmental justice.

Ecology and the 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 are the primary recipients of EPA funds to carry out the work addressed in this Agreement:

- Air Quality,
- Water Quality, and
- Hazardous Waste and Toxics Reduction.

The EPA either delegates or authorizes these programs 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 the EPA, but not by the grants specific to this Agreement.

## **Priorities**

During this Agreement, Ecology and the EPA will focus on the following strategic priorities:

- Reduce and prepare for climate impacts.
- Prevent and reduce toxic threats.
- Protect and restore Puget Sound.
- Deliver integrated water solutions.
- Lead the effective and efficient cleanup of Hanford.

## 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 the EPA’s planning processes

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

Table 1: Relationship Between EPA’s and Ecology’s Planning Processes

Relationship Between EPA’s and Ecology’s Planning Processes	
EPA	ECOLOGY
<p><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 style="text-align: center;">↓</p>	<p><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 style="text-align: center;">↓</p>
<p><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 style="text-align: center;">↓</p>	<p><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 style="text-align: center;">↓</p>
<p><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 style="text-align: center;">↓</p>	<p><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 style="text-align: center;">↓</p>
<p><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 the 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 the 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, the 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 the 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, the EPA emphasizes the importance of working with tribes. The EPA also encourages cooperation between state, tribal, and local governments to resolve environmental issues of mutual concern. It is very important for Ecology and the 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.<sup>2</sup> 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.

---

<sup>2</sup> [www.goia.wa.gov/Government-to-Government/CentennialAgreement.html](http://www.goia.wa.gov/Government-to-Government/CentennialAgreement.html).

## 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 State constitutes a bordering jurisdiction for environmental purposes. Ecology is committed to working with tribes and the 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).

Table 2: Agreement Grants – State Fiscal Years 2018–2019

ECY #	EPA #	Ecology Title	EPA Catalog Title	Estimated EPA Grant Amount	End Date
<b>Air Quality</b>					
FB00	66.605	Air Grants	Performance Partnership Grant	\$7,180,906	6/30/19
<b>Hazardous Waste Management</b>					
M221	66.801	Hazardous Waste RCRA FY16-17	Hazardous Waste Management Support	\$3,625,810	6/30/19
<b>Water Quality</b>					
FB00	66.605	Water Grants	Performance Partnership Grant	\$11,071,328	6/30/19

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

## Resource Conservation and Recovery Act Grant

Hazardous waste activities described in this Agreement are funded in part by a federal Resource Conservation and Recovery Act (RCRA) 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 the 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 before its completion.

At the midterm of the Agreement (by August 2016), Ecology and the 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?
- **Accomplishments and changes:** Significant accomplishments or critical changes needed relative to the Agreement

Approximately 18 months into this Agreement's term (early 2019), 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 2018, combined with the next public review/comment process in 2019, 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.



*This page intentionally left blank.*

# Chapter 2 - Quality Assurance

---

## Introduction

It is critical for Ecology to generate and use environmental data of known and documented 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, the strategic priorities:

- Reduce and prepare for climate impacts.
- Prevent and reduce toxics threats.
- Deliver integrated water solutions.
- Protect and restore Puget Sound.
- Lead the effective and efficient cleanup of Hanford.

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 Quality Management Plan (QMP) was last revised and approved in 2015. The document conforms to the EPA's format and content requirements and aligns Ecology's plan with the EPA's requirements for environmental data quality. This QMP was approved by the EPA Region 10's Quality Assurance Manager and, based on that approval, Ecology is delegated the authority to review and approve Quality Assurance Project Plans (QAPPs), based on procedures documented in the QMP. The EPA approves the QMP on a five-year cycle, and Ecology expects to submit the next revision to EPA for review and approval in September 2020.

## Standard Operating Procedures (SOPs) and Quality Assurance Project Plans (QAPP) implementation

Ecology has developed an extensive set of SOPs for field sampling and field analytical techniques. This is in addition to a growing number of SOPs authored by several Ecology Programs, including:

- Air Program
- Hazardous Waste
- Manchester Environmental Laboratory
- Laboratory Accreditation Program
- Toxics Cleanup Program
- Spills Program
- Water Quality (stormwater)
- Water Resources

Currently, approximately 300 Ecology SOPs have been developed for Ecology to use.

Ecology has also developed a three-year cycle recertification process for these SOPs and has recertified over 50 SOPs in calendar year 2016. About ten are scheduled for recertification in 2017.

QAPPs are a critical component of Ecology's quality assurance system. Ecology has updated the QAPP template and review checklist, which also includes guidance language for many topic areas. The new template has enhanced the content to provide a more comprehensive and detailed document. Also, guidance language for water quality modeling has been included. The new QAPP review checklist assists those who reviewer the new, more detailed QAPPs. During the current reporting period, Ecology's Environmental Assessment Program has approved 37 QAPPs.

## National Estuary Program (NEP) activities

In 2011, Ecology developed an addendum for the 2010 QMP on NEP activities. 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 addendum is currently under revision, and is due for completion in May 2017.

For the two-year period ending June 30, 2017, it is *estimated* that the NEP Quality Assurance Coordinator (NEP QC) will have:

- Reviewed and facilitated approval of 45 QAPPs and QAPP Waivers for 40 additional NEP-funded projects,
- Given presentations or participated in four quality assurance workshops,
- Conducted eight project audits,
- Prepared five Corrective and Preventive Action Notices, and
- Commented on 20 final project reports.

Finally, the NEP QC will have commented on:

- Ecology's Quality Management Plan (QMP) and Quality Report to Management,
- Ecology's Revised QAPP template,
- WDFW's new draft QMP, and
- WDOH's revised QMP, and participated in EPA's 2017 audit of Ecology's quality system

## Status reports

Ecology's QMP specifies that the NEP QC must prepare a status report for management every three years. This status report also includes recommendations for improvements to the QMP and its implementation. The most recent report is *Washington State Department of Ecology Quality Report to Management* (or QRM, July 2012–June 2015).<sup>3</sup>

The next QRM is expected to be issued before the end of calendar year 2018.

## EPA quality system review

The EPA Region 10 Quality Assurance and Management Unit perform audits of approved state environmental programs. Ecology's most recent audit in January 2017 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.

---

<sup>3</sup> [www.ecy.wa.gov/programs/eap/quality.html](http://www.ecy.wa.gov/programs/eap/quality.html)

## Quality assurance training

Ecology facilitates or coordinates quality assurance (QA) training on a regular basis. Recent training topics include:

- Environmental sampling for enforcement purposes.
- NEP QA requirements for grantees/interested parties.
- One-on-one QA trainings on QAPP development, SOP preparation, data assessment, and special topics.
- Freshwater monitoring field training and assessment of junior staff capabilities.

Additional QA training is conducted by Ecology programs and is documented in the Quality Report to Management.<sup>4</sup>

---

<sup>4</sup> [www.ecy.wa.gov/programs/eap/quality.html](http://www.ecy.wa.gov/programs/eap/quality.html)

# Chapter 3 - Information Management

---

## Introduction

Ecology and the 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 the 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 the EPA recognize this as a basic part of advancing environmental justice. See Ecology's website for the many publicly accessible databases.<sup>5</sup> More information about access to the EPA's data, see the Region 10's homepage.<sup>6</sup>

## Data integration

Ecology and the 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) Governance process responsible for the:

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

---

<sup>5</sup> [www.ecy.wa.gov/database.html](http://www.ecy.wa.gov/database.html).

<sup>6</sup> [www.epa.gov/aboutepa/region10.html](http://www.epa.gov/aboutepa/region10.html)

## **National Environmental Information Exchange Network**

The EPA and Ecology will cooperate in the development of the Environmental Information Exchange Network (EIEN). The 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 EIEN. It is the EPA's goal that all of Ecology's national data flows to the EPA's Priority National Data Systems via the EIEN. Ecology continues to meet this goal and both agencies will continue to work together on data flows.

During 2016-2017 Ecology completed the implementation of the Cross-Media Electronic Reporting Rule (CROMERR) security framework in the TurboWaste System that manages our RCRA Handler data that flows to the EPA, and we continue to work on the EPA Grant funded project to collect and flow water quality assessment data. It is the intent of Ecology to start flowing the water quality assessment data to the EPA Attains Data System using the 2019 schema in the next two years.

# Chapter 4 - Environmental Justice

---

## Introduction

One of the goals of Ecology is to promote healthy communities. To this end, Ecology is committed to the principles of environmental justice (EJ) 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 EJ in Washington State. Each agency's respective environmental justice coordinators will lead this ongoing effort within available resources. The EJ coordinators for each agency will administer the tasks described in this chapter.

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

**Department of Ecology:**

Millie Piazza

EJ Coordinator

Phone: (360) 407-6177

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

**EPA Region 10:**

Running Grass

EJ 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 LEP. Ecology is developing LEP guidelines to help ensure Ecology's actions do not have discriminatory effects against populations with LEP. The 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 issues,
- Areas of emerging concern, and
- Actions prioritized by both agencies.

## **Monthly meetings or calls for Region 10 and western states**

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. Participants convene and facilitate these calls on a rotating basis. The EPA convenes and facilitates the monthly Western States EJ calls.

The goals of both calls are to increase knowledge, share resources, and collaborate 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 and mapping**

Each agency will share data and access to tools that help better identify EJ factors and concerns in Washington's communities. A primary goal of this on-going effort is to better track and gauge EJ 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 screening and mapping tools such as the EPA's EJSCREEN<sup>7</sup> 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.

---

<sup>7</sup> [www.epa.gov/ejscreen](http://www.epa.gov/ejscreen)

Also, 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 EJ 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. 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 on issues related to environmental justice, children's health, and health disparities. These events will not replace or substitute 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 and 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 their EJ training opportunities.

One particular element covered in these trainings will be the relationship between 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 remind staff of the 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 affect 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 EJ 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.

# Chapter 5 - Compliance Assurance

---

## Introduction

To get improved environmental benefits, Ecology and the EPA rely on both traditional regulatory approaches and innovative methods to ensuring compliance. Ecology and the 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
- Offering incentives to comply

## Compliance principles

Enforcing environmental laws is a vital part of the EPA's Strategic Plan to protect human health and the environment. The 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.

The EPA also has clear expectations that all states will use formal enforcement, as appropriate, to meet federal law and rule requirements, and adhere to national enforcement response policies. The EPA is committed to working closely with Ecology to implement national and regional enforcement goals and ensure a strong and effective state compliance and enforcement program in line with expectations for authorized or delegated state programs.

Ecology and the EPA Region 10 will coordinate their respective compliance and enforcement efforts 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, the EPA is directed to consider the economic benefit of noncompliance when making a penalty assessment. The EPA's policy on issuing environmental penalties includes directing regulators to recoup the economic benefit of non-compliance in penalty assessments.

The EPA expects Ecology, as a matter of course, to consider economic benefit as part of penalty calculations, and to assess and collect economic benefit when deemed significant as defined in policy. The EPA will evaluate Ecology on its implementation of this policy under the State Review Framework. The EPA has a computer program called BEN that Ecology can use as a model to calculate the economic benefits of non-compliance. To support the EPA's expectations, 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 rules. These include traditional enforcement and compliance activities such as inspections, fines, and other types of penalties along with:

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

Each Ecology program uses a number of different approaches to achieve compliance. In addition, the EPA's national enforcement priorities include working to identify, pilot, and implement new "Next Generation" approaches to compliance monitoring. "Next Generation" tools include:

- Advance monitoring techniques,
- More effective rules, and
- Using public awareness to provide incentives.

The EPA is working with Ecology and other state, tribal, and local partners to support "Next Generation" approaches.

## **Evaluating compliance assurance programs**

The 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. Each year, the EPA reviews Ecology's enforcement programs under the SRF using data metrics. Full SRF reviews, with both data metric analysis and file reviews, occur about every four to five years.

The EPA works with Ecology to develop plans to address any necessary improvements to compliance assurance programs. The EPA plans to complete the next review of Ecology programs and issue its report in December 2017. The SRF complements other regular oversight and partnership activities by the EPA and Ecology including:

- Oversight and joint inspections,
- Planning meetings,
- Case referrals,
- Management of tips and complaints.

Ecology will address areas of improvement and areas that need attention based on the information EPA identifies in their 2017 final report.

*This page intentionally left blank.*

# **Chapter 6 - Mutual Priorities for EPA and Ecology**

---

## **Introduction**

This chapter focuses on six 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 six mutual priorities are:

1. Preventing and reducing toxic threats
2. Delivering integrated water solutions
3. Protecting and restoring Puget Sound
4. Leading the effective and efficient cleanup of Hanford
5. Reducing and preparing for climate impacts
6. Supporting community right-to-know

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

- U.S. Environmental Protection Agency, Region 10<sup>8</sup>
- Washington State Department of Ecology<sup>9</sup>

## **Preventing and reducing toxic threats<sup>10</sup>**

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.

---

<sup>8</sup> [www2.epa.gov/aboutepa/epa-region-10-pacific-northwest](http://www2.epa.gov/aboutepa/epa-region-10-pacific-northwest)

<sup>9</sup> [www.ecy.wa.gov](http://www.ecy.wa.gov)

<sup>10</sup> [www.ecy.wa.gov/toxics/index.htm](http://www.ecy.wa.gov/toxics/index.htm)



Many environmental programs in Ecology and the 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 we are now finding to be problematic. While the 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 the use of toxic substances first.
2. Limit or manage the amount of toxic substances 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. Ultimately, prevention programs are the smartest, cheapest, and healthiest approaches to reducing toxic threats.

While continuing the investments in cleanup and management, Ecology 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 persistent, bioaccumulative, and toxic substances (PBTs).
- 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 continuing 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 developing Chemical Action Plans (CAPs) for:
  - Polychlorinated Biphenyls (PCBs)
  - A group of per- and poly-fluorinated alkyl substances known as PFASs.
  - Any future CAPs.
- Continuing support for establishing a national mercury repository.
- Encouraging research on safer alternatives to halogenated flame-retardants.
- Developing incentives to encourage manufactures to reduce the use of toxic chemicals.
- Identifying safer alternatives to toxic chemicals.
- Continuing leadership of the Columbia River Toxics Workgroup.
- Supporting implementation of the Lautenberg Chemical Safety Act supporting reform of TSCA.

## **Delivering integrated water solutions<sup>11 12</sup>**

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:

- Protecting and restoring Puget Sound
- Toxics prevention, reduction, and control
- Leading the effective and efficient cleanup of Hanford
- Reducing and preparing for climate impacts and ocean acidification
- Supporting community right-to-know

At the time of the signing of this Agreement, the information on EPA's website, specific to Washington State, lists 22 high-profile topics. Twelve of the 22 topics are about some aspect of managing Washington's waters. Likewise, Ecology's website also provides information on more than a dozen water-related topics managed by the agency. While much of the cited work and priorities on the Ecology website are not directly tied to work carried out under this Agreement, many are impacted by or subject to program specific activities that are covered in this Agreement. For all of these reasons and issues, managing Washington's waters will remain a priority for the EPA and Ecology during the period of this Agreement.

---

<sup>11</sup> [www.ecy.wa.gov/managingwater/index.html](http://www.ecy.wa.gov/managingwater/index.html) and

<sup>12</sup> [www2.epa.gov/aboutepa/epa-washington](http://www2.epa.gov/aboutepa/epa-washington)

## Protecting and restoring Puget Sound<sup>13</sup>

The 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 the EPA to focus dedicated federal funds to Puget Sound cleanup goals and restoration efforts.

Washington State established the Puget Sound Partnership (PSP) in 2007 to succeed the Puget Sound Action Team and to reinvigorate the restoration and protection of Puget Sound. The Puget Sound Partnership is developing the next update of the Action Agenda for 2018. The Action Agenda is a blueprint for restoring Puget Sound to a healthy state.

This Agreement highlights some key activities the 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**

The EPA and Ecology jointly agreed to focus major resources towards restoring and protecting the water quality within the Puget Sound Watershed. The EPA selected Ecology as the Strategic Initiative Lead (SIL), until 2021, to manage the stormwater efforts for Puget Sound. Ecology will also continue as the lead agency for toxics and nutrients prevention, reduction, and control and reach scale riparian habitat projects. The EPA provides funding to Ecology annually, as appropriations allow, under the authority of the National Estuary Program to support the priorities of the Action Agenda.

Starting in 2016, the PSP updated the Puget Sound Action Agenda and the EPA updated the National Estuary Program funding model to focus on stormwater, shellfish, and habitat. Ecology, working with local, tribal, federal, state, private, and nonprofit partners continues to help the EPA and the PSP to implement the Action Agenda by:

- Developing implementation strategies,
- Support science and monitoring for Puget Sound, and
- Engaging members of the broader Puget Sound NEP Management Conference.

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

---

<sup>13</sup> [www.ecy.wa.gov/puget\\_sound/index.html](http://www.ecy.wa.gov/puget_sound/index.html)

## **Stormwater**

Along with Ecology's role as the SIL for Stormwater, Ecology and the PSP 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
- Technical assistance 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.

## **Science and monitoring for Puget Sound**

Ensuring appropriate science and monitoring are in place to support Puget Sound restoration and protection is essential. The EPA will continue to work with Ecology and the other SILs along with the PSP and Puget Sound Institute to prioritize science and monitoring needs and look for ways to fund and support them. This includes the development of implementation strategies for priority vital signs of the Action Agenda.

## **No discharge zone for Puget Sound**

Ecology will work to develop an implementation approach for the Puget Sound wide No Discharge Zone.

## **Coordination with the Puget Sound Federal Task Force**

In 2016, the federal family signed a Ten-year Memorandum of Understanding (MOU) creating the Puget Sound Federal Task Force to strengthen and align the federal investment and support for Puget Sound recovery and protection. The Task Force developed a five- year Action Plan that includes coordinating and collaborating activities with the state of Washington.

## **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 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. The studies will also help determine where the reductions might need to occur. EPA is serving on the advisory committee for the studies.

## **Toxics prevention, reduction, and control**

The 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 used this report, and other information on toxics, to set priorities for the NEP grant for Puget Sound. The EPA and Ecology have a successful history for large urban sediment cleanups (e.g., Commencement Bay).

The EPA and Ecology have an existing Source Control Strategy for the Lower Duwamish Waterway and will continue to implement it concurrent with the EPA's 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 the EPA's water quality and Superfund programs. This effort will consider innovative approaches to deal with the challenges in this watershed.

## **Leading the effective and efficient cleanup of Hanford<sup>14</sup>**

The EPA and Ecology are actively working to oversee cleanup of Hanford's nuclear and hazardous waste legacy. This is a high priority for Ecology and the 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 many federal and state environmental rules, projects, plans, schedules, an overarching "Tri-Party Agreement" (TPA)<sup>15</sup>, and a federal court consent decree also dedicated to the Hanford cleanup. The U.S. Department of Energy, manager of this site, is the third party of the TPA, along with the EPA and Ecology. There are also many other entities (governmental, tribal, environmental, economic, and others) who are directly engaged in the Hanford cleanup.

From a regulatory standpoint, Hanford is considered one site even though it is 586 square miles in size. It contains thousands of contaminated sources and millions of gallons of

---

<sup>14</sup> [www.ecy.wa.gov/programs/nwp/index.html](http://www.ecy.wa.gov/programs/nwp/index.html)

<sup>15</sup> [www.hanford.gov/?page=91&parent=0](http://www.hanford.gov/?page=91&parent=0)

radioactive and hazardous wastes. Ecology's Nuclear Waste Program, is almost entirely dedicated to the regulatory management of the Hanford cleanup. Regulatory compliance and coordination is a challenge unlike anywhere else in the country. This includes coordinating with the EPA's Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA<sup>16</sup>) Superfund Program.

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.

## **Reducing and preparing for climate impacts and ocean acidification<sup>17</sup>**

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

---

<sup>16</sup>[www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act](http://www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act)

<sup>17</sup> [www.ecy.wa.gov/climatechange/index.htm](http://www.ecy.wa.gov/climatechange/index.htm)

These environmental changes are effecting our resources that are vital for our economy, communities, and environment. These resources include, but are not limited to:

- Forests,
- Agriculture,
- Water resources,
- Coasts,
- Infrastructure, and
- Shellfish and fisheries.

The extent and duration of the effects 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.

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 to develop and implement practical and coordinated policies and solutions to:

- Reduce energy use,
- Meet the GHG emissions reductions adopted into law in 2008, and
- Unleash innovation, investment, and job creation.

Washington State also developed comprehensive and integrated strategic responses to enable those listed below to prepare for, address, and adapt to the effects of climate change and ocean acidification:

- State and local agencies,
- Public and private businesses,
- Nongovernmental organizations, and
- Individuals.

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

Reducing GHG emissions and taking action to adapt to a changing climate are high priorities for Ecology. 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.

The EPA is working with Ecology to better understand the effects of ocean and coastal acidification from local sources and has been an active member of the:

- Former Blue Ribbon Panel on Ocean Acidification
- Washington State Marine Resources Advisory Committee
- West Coast Ocean Acidification and Hypoxia Panel

The EPA and Ecology will continue to forge a strong and effective partnership to build on the work done so far to reduce GHG emissions and respond to the environmental challenges from changing climate and ocean conditions.

## **Supporting community right-to-know**

The EPA and Ecology will continue to work together to ensure that industry complies with the requirements of Title III of the Superfund Amendments Reauthorization Act.

The overall goal of this section in this Agreement is to foster collaborative support for effective implementation of the federal Emergency Planning and Community Right-to-Know Act (EPCRA) in Washington as resources allow. Primary participants in this effort are:

- EPCRA Non-TRI leadership - Pesticides and Toxics Unit (EPA)
- Toxic Release Inventory leadership - Air Enforcement & Data Management Unit (EPA)
- EPCRA leadership - Hazardous Waste and Toxics Reduction Program (Ecology)

Primary themes addressed by this collaboration include:

- Support outreach opportunities to EPCRA stakeholders, including regulated facilities and their communities, Local Emergency Planning Communities, and the Washington State Emergency Response Commission (SERC).
- Facilitate SERC / EPA coordination.
- EPCRA data sharing including:
  - Tier Two data from Ecology to EPA
  - TRI data verification as available
  - Compliance assistance
- Updates on EPCRA enforcement
- Quarterly calls or meetings to support mutual understanding of respective EPCRA-based roles, activities, and to foster coordination.



## Background

EPCRA is implemented in Washington State by the State Emergency Response Commission (SERC). Ecology, as a core member of the SERC, has specific responsibilities that include:

- Providing regulatory support to industry
- Tracking industry reporting compliance
- Outreach efforts

The EPA's Region 10 serves in a key advisory and support role to the SERC because it provides compliance assistance to industry, and has authority to take enforcement action on facilities that fail to meet the EPCRA reporting and notification requirements. This relationship between Ecology, the SERC, and the EPA is fundamental to the success of EPCRA compliance in Washington State.

Executive Order 13650 – Improving Facility Chemical Safety and Security (2013),<sup>18</sup> reinforces the significance of EPCRA. The Chemical Facility Safety and Security Work Group (co-chaired by the Secretary of Homeland Security, the EPA's Administrator, and the Secretary of Labor) have key directives that include:

- Strengthening the state and local infrastructure created by EPCRA for emergency planning and preparedness, such as State Emergency Response Commissions, Tribal Emergency Response Commissions, Local Emergency Planning Committees, and Tribal Emergency Planning Committees.
- Ensuring participation of key stakeholders.
- Engaging chemical facilities in preventing, preparing for, and responding to chemical accidents.
- Ensuring effective communications and notifications to the community members before, during, and following a chemical incident.

Through this Agreement, the EPA and Ecology agree to continue to collaborate on EPCRA-related issues and work together to support and strengthen communities and stakeholders.

This work includes:

- The EPA communicating revisions to EPCRA regulations.
- The EPA providing compliance assistance and potential enforcement action, considering.
- Supplemental Environmental Projects whenever appropriate.
- Ecology providing information on industry compliance.
- The EPA sharing Toxics Release Inventory (TRI) report data via the Exchange Network.
- The EPA and Ecology jointly providing EPCRA training at local workshops.

---

<sup>18</sup> [www.epa.gov/rmp/executive-order-improving-chemical-facility-safety-and-security](http://www.epa.gov/rmp/executive-order-improving-chemical-facility-safety-and-security)

# Chapter 7 - Air Quality Program

---

## Enhancing Public Health by Improving Air Quality<sup>19</sup>

### 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 following agencies have worked together over the years to significantly improve Washington's air quality:

- Washington's seven local air quality agencies,
- Ecology,
- The EPA, and
- Federally Recognized Tribes.<sup>20</sup>

The results of these agencies working together is the significant decrease in the number of days Washington's air quality violated federal health-based standards.

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 in 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 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.

---

<sup>19</sup> [www.ecy.wa.gov/programs/air/airhome.html](http://www.ecy.wa.gov/programs/air/airhome.html)

<sup>20</sup> While not a grantee under the PPA/PPG, Ecology, local air quality agencies, and the EPA work with Tribes on several fronts, including through the Northwest Air Quality Communicators, smoke management efforts, and PM reduction efforts.

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.

Reductions in state budgets or federal Clean Air Act grant funds<sup>21</sup> would directly impair the ability of Ecology and local air quality agencies to do their core work and fully meet their obligations under this Agreement. The amount of federal grant funds expected in this biennium is also uncertain. Ecology and the EPA may need to decrease some of the outputs and ongoing activities 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 provide opportunities for dialogue, 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 and open communication.

## The EPA strategic plan alignment

The outcomes and objectives of this section correlate directly with the EPA’s 2014-2018 Strategic Plan.

**Goal 1 -Objective #1: Improve Air Quality: “Achieve and maintain health and welfare based air pollution standards and reduce risk from toxic air pollutants and indoor air contaminants.”**

<b>Objective 1: Criteria Pollutants and Regional Haze</b>
<p><b>Reduce Criteria Pollutants and Regional Haze</b> 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 five 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 wood burning and other choices affect air quality and health. This includes education about how individual behaviors affect air quality and health.</p>

<sup>21</sup> [www.federalgrants.com/Clean-Air-Act-CAA-Program-3483.html](http://www.federalgrants.com/Clean-Air-Act-CAA-Program-3483.html)

**Objective 1 - Outcome Measures**

1. Number of times PM<sub>2.5</sub> or ozone exceeds healthy levels
2. Number of citizens exposed to pollution measurements above federal standards
3. Number of non-attainment areas
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.

**Objective 1 – Outputs**

1. Ecology will coordinate with local air quality agencies, the EPA, and tribes to ensure compliance with all National Ambient Air Quality Standards (NAAQS).
2. Ecology, the EPA, and the local air quality agencies will coordinate on designation recommendations and related nonattainment planning.
3. Ecology and the local air quality agencies will submit to the EPA New Source Review (NSR) rules that are federally approvable and consistent with federal rules/guidance.
  - 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).
  - b. Ecology, the EPA, and the local air quality agencies will continue to make progress in updating the SIP to reflect local air quality 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 the 2010 SO<sub>2</sub>, 2012 PM<sub>2.5</sub>, and 2015 ozone NAAQS revision and any future NAAQS revisions.
6. Ecology will submit a Regional Haze five-year plan.
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.
9. Ecology will submit a SIP revision(s) to address the Start-up Shutdown and Maintenance SIP Call for Ecology, SWCAA, and EFSEC.

## Objective 1 - Ongoing Activities

1. Ecology and the local air quality 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 quality 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.
  - 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. Host at least one meeting per year on smoke management issues.
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.
10. With Ecology and the EPA assistance, local air quality agencies will review local regulations to be included in the SIP.

**Objective 1 – Reporting**

Ecology and local air quality agencies that submit data directly to the EPA will submit criteria pollutant emissions data to the EPA according to the federal air emissions reporting rule. To facilitate compilation of a complete statewide inventory at Ecology, local air quality agencies submitting directly to the EPA are requested to also send the information to Ecology in XML or MS Access EIS staging table format.

**Goal 1 - Objective #2 – Monitoring and Reducing Air Toxics****Objective 2: Air Toxics**

To characterize the health consequences of toxic air pollution in Washington, Ecology will compile data about toxic air pollutants including health effects, and sources of toxic air pollutant emissions. The data will be used to:

- Reduce the emissions, exposure, and/or health risks, focusing on sources or areas that have the greatest health risk;
- Focus emission reduction strategies on smoke and diesel soot to provide the greatest health benefits; and
- Better characterize industrial emissions by more efficient permit processes and improved partnerships with businesses.

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.

**Objective 2 - Outcome Measures**

1. Tons of diesel exhaust emitted statewide.
2. Number of diesel engines retrofitted with air pollution control equipment.
3. Number of woodstoves changed out.
4. Emission levels of toxic air pollutants shown in the National Emission Inventory (NEI). (This can be handled with our NEI report.)

**Objective 2 - Outputs**

1. Ecology will review the EPA’s 2014 National Emission Inventory (NEI) and begin preparation of the 2017 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 2017 NEI will be completed by the end of 2019.
2. Toxics emissions submitted by facilities tracked in Ecology's point source database, WEIRS, will be provided to the EPA for the annual NEI. Washington Emissions Inventory Reporting System (WEIRS) contains emissions from major sources in WA, except those under the jurisdiction of ORCAA, PSCAA, and SWCAA.

**Objective 2 - Ongoing Activities**

1. Ecology, in partnership with the local air quality agencies, will:
  - a. Seek state and federal funds to develop and implement diesel reduction projects through the West Coast Diesel Collaborative or other sources;
  - 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 the EPA;
  - d. Submit available point source toxics emission inventory data each year; and
  - e. Review available National Emissions Inventory (NEI) data.
2. The EPA will provide:
  - a. NEI data;
  - b. Guidance about national air toxic policies and programs; and
  - 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 the EPA will enter 40 C.F.R. Parts 60, 61, 62, and 63 sources into the 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. Do an initial submission of 2017 point, mobile, and nonpoint inventories to the EPA for the NEI by December 31, 2018; and
  - c. Request local air quality agency reporting of toxic air pollutants and submit data received to the EPA.
3. Local air quality agencies submitting inventory data directly to the EPA will:
  - a. Annually submit point source emission reports to the EPA for the NEI;
  - b. Submit the same data to Ecology to facilitate Ecology's effort to compile a complete statewide inventory.

## Goal 1, Objective #3 – Air Quality Permitting

<b>Objective 3: Permitting and Program Delegation</b>
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.
<b>Objective 3 - Outcome Measures</b>
<ol style="list-style-type: none"><li>1. Average number of days it takes to process Notice of Construction permit applications.</li><li>2. Percentage of Title V permits that have been administratively extended past the expiration date.</li></ol>
<b>Objective 3 – Outputs</b>
<ol style="list-style-type: none"><li>1. As appropriate for each agency, Ecology and local air quality agencies will update regulations and delegations/approvals to reflect new or revised rules under 40 C.F.R. Parts 51, 60, 61, 62, 63, 64 and 70.</li><li>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 and approving Title V program updates as needed. Ecology will promote training and discussion with local permitting agencies to help ensure permit writers understand applicability of Major New Source Review.</li><li>3. Ecology will continue to:<ol style="list-style-type: none"><li>a. Develop WEIRS, 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 available allowable emissions data from Ecology and local air quality agency permittees);</li><li>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; and 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).</li></ol></li></ol>



### **Objective 3 - Ongoing Activities**

Ecology and local air quality 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. Rules under 40 C.F.R. Parts 60, 61, 62, and 63 adopted by the state along with any additional rules under these Parts adopted by local air quality agencies
  - c. Air Operating Permits (AOP) for existing and new sources
2. Use the EPA approved models and methodologies, in accordance with 40 C.F.R. Part 51 Appendix W, for air quality analysis for commercial and industrial source permits, or seek the EPA approval of alternative models or methods when applicable.
3. For PSD permits, Ecology will, conduct Best Available Control Technology (BACT) evaluations in a manner consistent with the EPA's top-down, five-step procedure.
4. Ecology and the local air quality agencies will consider the relevant EPA guidance and interpretations when determining the applicability of PSD and NNSR.
5. Ecology and the local air quality agencies will implement SIP pre-construction permitting (PSD, NNSR, and minor permits) as specified in the approved SIP and in state regulations.
6. As resources and scheduling allow, the EPA will co-host an in-person workshop with Ecology and the local air agencies on implementation of the NSR program.
7. The EPA and Ecology will communicate with each other about permitting issues openly, directly, and in a timely manner.
8. Ecology will:
  - a. Send to the EPA each major NSR permit application upon receipt;
  - b. Notify the EPA when a major NSR permit application has been determined to be incomplete or complete;
  - c. Informally communicate draft major NSR permits and supporting information to the EPA at the beginning of each public review period;
  - d. Communicate with the EPA on modeling at the initiation of any major NSR permit project;
  - e. The EPA will arrange a discussion with Ecology upon completion of draft permit reviews with the intent of informally providing input to Ecology;
  - f. Ecology will provide the EPA with NSR applicability determinations; and
  - g. Ecology and the EPA will engage in periodic discussions about policy and program implementation.
9. Ecology and local air quality agencies will:
  - a. Send to the EPA each Title V permit application upon receipt;
  - b. Send to the EPA each draft Title V permit and supporting information at the beginning of each public comment period;

- c. Send to the EPA each proposed Title V permit and supporting information as required in 40 C.F.R. Part 70; and
- d. Send to the EPA each final Title V permit and supporting information soon after issuance.

**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.
- 4. Submit semi-annual Title V Operating Permit System (TOPS) reports consistent with the EPA's deadline.

**Goal 1, Objective #4 - Compliance Assistance and Enforcement**

**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 includes compliance assistance, compliance monitoring, appropriate enforcement, and follow-up to ensure return to compliance.

**Objective 4 - Outcome Measures**

To assess the performance of compliance and enforcement programs, the EPA uses the:

- 1. SRF review (every four-years),
- 2. Annual Data Metrics Analyses,
- 3. Quarterly HPV calls,
- 4. Annual meeting discussions, and
- 5. Other EPA oversight efforts.

#### **Objective 4 – Outputs**

1. The EPA, Ecology, and the local air quality agencies have determined that we should terminate the 2003 Compliance Assurance Agreement (2003 CAA), and fold the relevant elements into this PPA. This PPA will supersede the agreements and responsibilities set forth in the 2003 CAA.
2. Ecology, the EPA, and local air quality agencies will follow:
  - a. The national “Minimum Data Requirements for CAA Stationary Sources Compliance,” January 2012 (MDRs);
  - b. The national “Clean Air Act Stationary Source Compliance Monitoring Strategy,” July 2014 (CMS);
  - c. The national HPV policy, “Timely and Appropriate Enforcement Response to High Priority Violations,” August 2014; and
  - d. The national “Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources,” September 2014 (FRV policy).
3. As part of the annual collaborative planning meetings (and the quarterly HPV calls, when needed), the EPA, Ecology, and local air quality agencies will review and discuss compliance and enforcement programs for federally-delegated programs, including key activities, emerging issues, and program needs. The EPA, Ecology and the local air quality agencies will also connect as necessary in the permit writer’s forums and compliance forums.

#### **Objective 4 - Ongoing Activities**

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.
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:
  - a. High priority violations; and
  - b. Policy and strategy issues.
3. The EPA will conduct compliance monitoring and enforcement on tribal lands.
4. For programs which are not delegated to the state or local air quality agency, the EPA has sole authority for:
  - a. Complaint response;
  - b. Inspections;
  - c. Priority enforcement actions; and
  - d. Other activities statewide
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 air quality agencies. Both parties adhere to a “no-surprises” policy for compliance activities and enforcement actions. If the EPA inspects a facility to determine compliance with a non-delegated program requirement, and the facility is one that the state/local regularly inspects for delegated program purposes, the EPA will notify the state/local before the EPA takes an action. The EPA will also provide advance notice of the EPA’s enforcement for delegated or approved programs.

6. Ecology and the local air quality agencies will continue to participate in the State Review Framework (SRF). The current SRF process began in 2016 and will be completed no later than December 31, 2017. Ecology and the local air quality 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 quality agencies will participate in the annual enforcement data verification process. Each fall the 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 quality agencies will ensure that any necessary data corrections are made in the program data systems.

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

1. All agencies will meet timely and accurate reporting requirements contained in the national MDRs,<sup>22</sup> CMS,<sup>23</sup> FRV,<sup>24</sup> and HPV<sup>25</sup> 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 quality agencies about the EPA's enforcement actions in a timely manner, and before actions are finalized.

---

<sup>22</sup> 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-caa-stationary-sources-compliance>

<sup>23</sup> Clean Air Act Stationary Source Compliance Monitoring Strategy, July 2014 - <http://www2.epa.gov/compliance/clean-air-act-stationary-source-compliance-monitoring-strategy>

<sup>24</sup> 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>

<sup>25</sup> 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>

## Goal 1, Objective #5 – Air Quality Monitoring

<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 quality 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 the 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 quality 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 C.F.R. 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 C.F.R. Part 58, Appendix A; and</li><li>c. Work with local air quality 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 C.F.R. 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)

---

## 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.<sup>26</sup>

This chapter of the Agreement 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.

## 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 rules 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 (See Chapter 4).

---

<sup>26</sup> <http://app.leg.wa.gov/WAC/default.aspx?cite=173-303>

## Ecology's RCRA activities

Administratively, three of Ecology's environmental programs work on RCRA activities:

- Hazardous Waste and Toxics Reduction Program (HWTR)<sup>27</sup>: The HWTR program is responsible for implementation of most of the RCRA-based activities in the state.
- Industrial Section,<sup>28</sup> within the Waste-2-Resources Program<sup>29</sup>: 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)<sup>30</sup>: 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 and Waste, and the Office of Compliance and Enforcement (Multimedia Inspection and RCRA Enforcement Unit), perform the EPA's RCRA work.

During the period of this Agreement, the EPA will finalize its review of Ecology's RCRA permitting program as part of the Region 10 RCRA permit program review strategy. Coordination of this draft and final report will take place through email and will be discussed during the RCRA Managers Quarterly meetings, addressed later in this chapter.

The EPA will also conduct a review of the RCRA compliance and enforcement program. The EPA will work with Ecology throughout the term of this Agreement to address issues identified through the State Review Framework evaluation. The EPA will also work with Ecology throughout the term of this Agreement relative to the outcome of the RCRA permitting program review findings.

---

<sup>27</sup> [www.ecy.wa.gov/programs/hwtr/index.html](http://www.ecy.wa.gov/programs/hwtr/index.html)

<sup>28</sup> [www.ecy.wa.gov/programs/swfa/industrial/](http://www.ecy.wa.gov/programs/swfa/industrial/)

<sup>29</sup> [www.ecy.wa.gov/programs/swfa/index.html](http://www.ecy.wa.gov/programs/swfa/index.html)

<sup>30</sup> [www.ecy.wa.gov/programs/nwp/index.html](http://www.ecy.wa.gov/programs/nwp/index.html)

## Evaluating activity commitments and levels of effort

The EPA's and Ecology's commitment to activities 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. Both agencies will review the work progress on the activities as part of each RCRA Managers Quarterly meeting. Adjustments to commitments may be made, if needed, agreed upon, and documented within the RCRA Managers Quarterly meeting minutes. This best practice allows for agile and timely prioritization of RCRA work.

Ecology and the EPA will review this Agreement's commitments and progress at the midpoint. This midpoint review will begin in the spring of 2018 culminating with a revised RCRA Work Plan that will become effective July 2018 for the 2<sup>nd</sup> half of the Agreement. The Quarterly RCRA Managers meetings will be the primary venue to track this review.

Nothing 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 January 2017 between Ecology and the EPA Region 10.

## RCRA priorities and goals

The EPA Strategic Plan<sup>31</sup> for federal fiscal years 2014 – 2018 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 federal fiscal years 2018-2019:

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 Solid and Hazardous Waste Plan*<sup>32</sup> ([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 its goals.<sup>33</sup>

---

<sup>31</sup> [www2.epa.gov/planandbudget/strategicplan](http://www2.epa.gov/planandbudget/strategicplan)

<sup>32</sup> [www.ecy.wa.gov/beyondwaste/](http://www.ecy.wa.gov/beyondwaste/)

<sup>33</sup> [www.ecy.wa.gov/wasteplan/progressReport.html](http://www.ecy.wa.gov/wasteplan/progressReport.html).



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 related 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 the RCRA priorities and goals through:

- Environmental and Performance Indicators
- Grant performance outputs
- Fund allocation and full-time employee summary
- Activities, review, FTEs, and the RCRA work plan

### **Environmental and performance indicators**

During the period of this Agreement, core performance measures corresponding to each of the following program elements will be used to assess the success of the RCRA program

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

Data for these and other measures are available through the EPA's national Biennial Reporting System, the 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 noted above. They include:

- Adequacy of inspection coverage.
- 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.
- Rates of Significant Non-Compliance, and percentage of Significant Non-Compliance facilities that are returned to compliance.
- 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 has been constructed or an interim measure has been determined to be in place for the facility.

- Percent of high and medium priority facilities subject to corrective action, where a determination has been made that no further corrective action is required at the facility or where corrective action is complete with or without controls in place.
- Number of enforcement actions taken and appropriateness to return facilities to compliance, as addressed through the EPA's Enforcement Response Policy (2003) and the State Review Framework (SRF) process, addressed in detail at the end of this chapter.
- Number and dollar amount of penalties assessed, also addressed in the SRF.
- 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.
- 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.

## **Grant performance outputs**

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

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 the EPA to revise and update regulations.

## Fund allocation and full-time employee summary

Ecology staff will work on Ecology's RCRA activities and 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 \$113,662 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 21.30.
- The first year total project amount is \$2,419,195 which consists of \$ 1,812,905 (16.0 FTEs) federal money and \$606,290 (5.3 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 FTE.

### 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 2018 and 2019, which begin July 1, 2017 and July 1, 2018, respectively. This Agreement expires June 30, 2019. During this period, Ecology and the EPA will review the RCRA activities and make necessary adjustments as described below.

### RCRA work plan

Details of Ecology RCRA commitments are described in Ecology's RCRA Work Plan. The "Work Plan" is for the full period of this Agreement, noting that Ecology will update the Work Plan for the second half (Fiscal Year 2019). 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. The RCRA Work Plan may be adjusted as needed by mutual agreement. 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.

### Moving Washington beyond waste and toxics (Ecology)

Ecology is implementing the state's Solid and Hazardous Waste Plan 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*.<sup>34</sup>

To move "beyond waste and toxics" is defined in the state 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."*

---

<sup>34</sup> [www.ecy.wa.gov/beyondwaste](http://www.ecy.wa.gov/beyondwaste)

Due to the Washington State Governor's Executive Order on Sustainability (05-01),<sup>35</sup> the Plan is to achieve the goal of moving Washington beyond waste and toxics in 30 years. In the short-term, implementing the state plan should position Washington to effectively reduce waste and toxics through revised policies and programs. The state 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 2015 state plan as updated 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 programs 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 as stringent as 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 and EPA will collaborate on the anticipated EPA deployment of the national e-Manifest tracking system as needed during the period of this Agreement.

---

<sup>35</sup> [http://www.governor.wa.gov/sites/default/files/exe\\_order/eo\\_05-01.pdf](http://www.governor.wa.gov/sites/default/files/exe_order/eo_05-01.pdf)

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.
- 3. Maintain Ecology's TurboWaste Application and participate in the RCRAInfo Workgroup.** This involves supporting data sharing and compatibility with RCRAInfo as needed. Examples include receipt of 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. Participation in the RCRAInfo Workgroup helps ensure collaboration and data quality between TurboWaste and RCRAInfo.
- 4. 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.
- 5. Participate in national RCRAInfo Version 6 (V6) upgrade.** This involves participating and engaging in monthly national calls regarding implementation and updates to RCRAInfo V6. Also includes technical planning by Ecology to ensure the agency supports the implementation of the RCRAInfo Handler module as planned in the RCRAInfo V6 schedule. RCRAInfo V6 is scheduled to be completed in Jan 2018.

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, including the Puyallup Reservation. However, Ecology is responsible for data on the Puyallup Reservation under the following conditions:
  - a. The site is within the Puyallup Reservation boundaries,
  - b. The property owner / operator is non-tribal, and
  - c. The land is classified as non-trust or Fee land.

These sites were identified in the 1873 Survey Area of the Puyallup Reservation and the August 27, 1988 Settlement Agreement.

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 the 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 to in the *RCRA Work Plan*. Ecology will complete inspection reports within 150 days to determine if a site is characterized for Significant Non-Compliance or as a Secondary Violator, or 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. 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 the 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 EPA's 2008 corrective action baseline.
- Other facilities that Ecology and the EPA agree are appropriate to address under corrective action.

Ecology will continue to work with EPA on ways to stay better informed of corrective progress, beyond updating RCRAInfo.

### Nationwide goal for 2020

The EPA's 2020 Corrective Action Baseline includes high, medium, and low priority facilities. The EPA's nationwide goal for the 2020 Corrective Action Baseline is to have final cleanup remedies constructed by 2020 at 95 percent of the facilities on this Baseline list.

Ecology-specific goals for federal fiscal years 2018-2019 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
- 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.

The EPA's nationwide goals for 2020 are:

- 95 percent = human exposures under control (the EPA Annual Commitment System [ACS] #CA1).
- 95 percent = migration of contaminated groundwater under control (the EPA ACS #CA2).
- 95 percent = remedy construction complete (the EPA ACS #CA5).
- 50 percent = clean up complete (the EPA ACS #CA6).

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 fiscal years 2018-2019 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 dangerous waste management 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, which may include Ecology's Work Plan, 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, paying specific attention to those facilities whose permits have expired and are considered backlogged (past their two year administrative continuation). Ecology will also maintain existing permits via modifications throughout this period.

A 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 re-issuance to:

- Require the Department of Energy to submit revised permit application information.
- Modify the 2012 draft permit to address substantial comments and issues.
- Prepare a revised draft permit that is scheduled for public comment in December 2019.
- Address public comments from the 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 re-issuance action(s).

## **Technical assistance from Ecology**

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

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

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 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. The EPA will also develop a condensed annual Data Metric Analysis by September 30, 2017 for federal fiscal year 2016 data. This data is used by the EPA to assess performance, trends, 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.

*This page intentionally left blank.*

# 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 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, the EPA grants only fund a subset of these activities.

One of the EPA’s grants to Ecology is the Performance Partnership Grant (PPG) that 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 EPA water quality grant, funds 30 full time Ecology employees. The total project amount for water quality projects and activities over the two-year period of the Agreement is \$13,591,676, which consists of \$11,071,328 (48 FTEs) in federal money and \$2,446,508 (10.2 FTEs) in required state matching funds.

Table 3: Performance Partnership Grant Objectives, Activities, and Measures

<b>1. Nonpoint Source Pollution Control</b>	
<b>Ecology</b> Helen Bresler (360) 407-6180 <a href="mailto:hbre461@ecy.wa.gov">hbre461@ecy.wa.gov</a>	<b>EPA</b> Michelle Wilcox (360)-753-9469 <a href="mailto:wilcox.michelle@epa.gov">wilcox.michelle@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>	

## Activities and Measures

- 1A. Ecology will implement the Ecology actions identified in the 2015 Water Quality Management Plan to Control Nonpoint Source Pollution (also known as the Washington State Nonpoint Plan), depending on available funds. Ecology will submit an annual end-of-year report by April 1 of each calendar year and the 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 the 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 the EPA will continue to participate on Forest Practices Board committees and workgroups, particularly the Timber, Fish and Wildlife Policy Committee and the Cooperative Monitoring, Evaluation and Research Committee. Ecology and the 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 the data for all 319 projects from 2016, including load reduction estimates as applicable into the Grants Reporting and Tracking System. Mandatory yearly load reduction data is due February 15<sup>th</sup> each year. Ecology will enter all other data for funded projects will be entered no later than April 1st, each year. (EPA Program Activity Measure (PAM) WQ-9)
- 1F. Ecology will report in the annual Nonpoint Source report the number of watershed-based plans, supported under the State Nonpoint Source Management Program from the beginning of each state fiscal year, that have been substantially implemented. Ecology will provide water miles and acres covered.
- 1G. Ecology will continue to work with the EPA to complete at least two success stories per year. The stories will show progress toward, or achievement of, water quality standards under the EPA PAM WQ-10 guidance, as a result of Nonpoint Source (NPS) implementation measures. Ecology will post these success measures on their website so they can keep them up to date.
- 1H. Ecology will coordinate with EPA on the implementation of the Washington State Nonpoint Plan. Key areas of focus include work on the voluntary Clean Water Guidance for Agriculture (guidance on best management practices), support for the nonpoint compliance work of inspectors and other regional staff (complaint response, priority watershed clean-up projects and enforcement actions), and refinement of internal guidance on how we conduct nonpoint compliance work to improve consistency between regions. This work is funded by a combination of grants from EPA including Section 319 and NEP.

- 1I. The EPA will actively support Ecology as it implements its nonpoint strategy. The EPA will make sure 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 the 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.
- 1L. The EPA will provide technical expertise to Ecology's process to develop voluntary Clean Water Guidance for Agriculture.

**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>
--	--	---

**Objectives**

- All discharge permits are current, protect water quality, human health, and aquatic habitat; and include water conservation and pollution prevention measures.
- All discharges comply 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>
---	--

- 2A. Ecology will conduct an audit of each delegated pretreatment program at least every five years and a pretreatment compliance inspection (PCI) or audit of each pretreatment Publicly Owned Treatment Works (POTW) at least every two 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 the schedule to meet audit and inspection targets. Ecology must submit the plan by the end of each federal fiscal year for which Ecology has not fully met the requirements by October 31<sup>st</sup> with the report described in sections 2C and 2D.

- 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 each year. The report will cover the previous federal fiscal year.
- 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 each year. The report will cover the previous federal fiscal year.
- 2E. Ecology will enter all data required under items 2A – 2D in to Ecology’s Permit and Reporting Information System (PARIS). Ecology will continue to work with the EPA to ensure the upload of pretreatment data from PARIS to ICIS-NPDES. Any errors that occur are to be resolved in a timely manner.

**Activities and Measures - Compliance and Enforcement**

<p><b>Ecology</b> Donna Smith (509)-575-2612 <a href="mailto:dosm461@ecy.wa.gov">dosm461@ecy.wa.gov</a></p>	<p><b>EPA</b> Robert Grandinetti (509) 376-3748 <a href="mailto:grandinetti.robert@epa.gov">grandinetti.robert@epa.gov</a></p>
---	--

- 2F. On at least a quarterly basis, the EPA and Ecology program managers will communicate 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 the 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 for the previous state fiscal 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 state fiscal year. EPA contact: Robert Grandinetti, email at [grandinetti.robert@epa.gov](mailto:grandinetti.robert@epa.gov). 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 the 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 calendar 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 Donna Smith and Josh Klimek (acting PARIS business lead).
- 2J. Ecology will provide instructions and training, if desired, to Washington Department of Agriculture so that the Washington Department of Agriculture can:
- Continue to enter all information on permitted facilities into PARIS and;
  - Continue to enter all environmental compliance information into PARIS, permitted or not (excluding routine inspection information).
- 2K. Ecology will continue to participate in the State Review Framework (SRF). The next SRF process is likely to occur in 2021.
- 2L. As part of the SRF, Ecology will participate in annual data verification of Ecology data in ICIS-NPDES. Each fall the 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 condensed annual Data Metric Analysis by September 30, 2018, for federal fiscal year 2017 data. These are used by the 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**

<p><b>Ecology</b>          Bill Moore          (360) 407-6460  <a href="mailto:bill.moore@ecy.wa.gov">bill.moore@ecy.wa.gov</a></p>	<p><b>EPA</b>          Karen Burgess          (206) 553-1644  <a href="mailto:burgess.karen@epa.gov">burgess.karen@epa.gov</a></p>
---	--

2N. Ecology will maintain the overall NPDES facility backlog to no greater than 20 percent during this PPA period. Ecology will submit a draft “NPDES permitting plan” to the EPA by June 1 of each calendar 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 designated “high priority.” Ecology will identify the number of “high priority” permits to issue during each federal fiscal year. Ecology will report to the 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.

Ecology will provide the following documents as specified:

1. Permit issuance plans (due June 1 for each state fiscal year);
2. Priority Permits Status (due quarterly and end of federal fiscal Sept. 30); and,



3. Permit backlog (should be due March and Sept., semi-annual federal fiscal year). Ecology will consider developing a backlog report available through PARIS.
- 2O. The EPA will reduce the NPDES backlog of federal and tribal permits to 30 percent by June 2019. The EPA will share its NPDES permitting plan with Ecology by October 1 of each calendar 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. The EPA will attempt to review at least one Ecology permit per month, on average, subject to availability and the EPA’s draft permit review selection process. The EPA reviews permits programmatically for consistency with state and federal rules and policies. The EPA reviews major permits, with emphasis on larger facilities and dischargers with potential to significantly impact the environment. The EPA also reviews permits as requested by Ecology. When possible, the EPA’s review rotates among Ecology’s regions. The EPA will not hold NPDES permits issued by Ecology to a higher standard than required by the CWA and federal regulations.
- 2Q. Ecology will improve permit and fact sheet shells and other tools through its Permit Workgroup. The EPA is a member of the Permit Workgroup and has the opportunity to comment on the changes Ecology proposes to the permitting process.
- 2R. Ecology will report to the EPA the status and completion of PQR action items semi-annually mid- and end-federal fiscal year (October and March) of each year until actions items are complete.
- 2S. Ecology and the EPA will update Washington’s NPDES permit program Memorandum of Agreement in conjunction with the PQR process. The target date for completion of the revised MOA is September 30, 2017.
- 2T. The EPA will continue to work on its federal facility permit backlog.
- 2U. Compliance and permitting representatives from both the 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 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

<p><b>Ecology</b> Melissa Gildersleeve (360) 407-6461 <a href="mailto:mgil461@ecy.wa.gov">mgil461@ecy.wa.gov</a></p>	<p><b>EPA -Water Cleanup Plans</b> Laurie Mann (206) 553-1583 <a href="mailto:mann.laurie@epa.gov">mann.laurie@epa.gov</a></p>
<p><b>EPA - Water Quality Standards</b> Lindsay Guzzo (206) 553-0268 <a href="mailto:guzzo.lindsay@epa.gov">guzzo.lindsay@epa.gov</a></p>	<p><b>EPA - Water Quality Assessments</b> Jill Fullagar (206) 553-2582 <a href="mailto:fullagar.jill@epa.gov">fullagar.jill@epa.gov</a></p>

#### 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.
- 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 TMDLs completed and straight to implementation efforts that result in clean water, as well as those TMDLs and TMDL alternatives Ecology has identified as long-term priorities for EPA’s measure WQ-27.

3B. Ecology and the EPA will meet at least once per year to conduct workload planning and evaluation for the development and implementation of TMDLs. Ecology will provide the EPA with a list of the TMDLs that need to be completed for the upcoming year. Ecology will also prepare an annual TMDL progress reports for the previous year. The goal is to maintain an average pace of 53 TMDLs per year.

The EPA will provide Ecology with information on TMDLs for federal facilities and tribal lands for the purposes of ongoing coordination. At this meeting, EPA will also provide Ecology with updates on key interpretations that change how the EPA has been reviewing and commenting on TMDLS. The goal is to keep Ecology abreast of changes at the EPA in the TMDL program and how TMDL submittals should be reviewed. Ecology will also report on the pace to produce TMDLs. The EPA and Ecology will coordinate on any TMDLs the EPA proposes to develop before the EPA begins work. At least twice per year, the EPA will give Ecology regular updates on their review and 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. The Comprehensive Plan contains milestones, timelines, effectiveness metrics, and responsibilities for control actions. Ecology will continue to monitor the progress of Task Force as it implements the plan, providing recommendations and periodic status reports.

Ecology has been a signatory to the Spokane River Regional Toxics Task Force (Task Force) since 2012, serving as a resource to the Task Force, by providing professional, technical, and

financial support. Ecology will continue this role, which strategically addresses toxics issues, and maximizes Ecology's ability to achieve water quality standards in the Spokane River. The Task Force completed its Comprehensive Plan (the "Comprehensive Plan to Reduce PCBs in the Spokane River") on November 29, 2016. That plan describes 28 27 categories of control actions which, when implemented, will prevent, control, remove, or reduce toxic pollution. Ecology will continue to support the Task Force as it implements the plan's control actions, which include:

- Maintaining current activities (wastewater treatment, known contaminated sites remediation, stormwater controls, low impact development, street sweeping, and purchasing standards)
- Improving existing activities (green chemistry initiatives, product testing, waste disposal assistance, rulemaking to support toxics reduction, compliance activities, and emerging stormwater treatment technologies)
- Initiating new actions (identifying sources of contaminated groundwater, and preparing guidance for building demolition and renovation)

- 3D. Where Washington is engaged in a TMDL that crosses jurisdictions; the EPA will provide the leadership for bringing those issues to resolution.
- 3E. The EPA will provide quarterly updates to Ecology on the status of the Pend Oreille Temperature TMDL. The EPA will also coordinate that status update with any Water Quality Standards changes that might impact the submitted TMDL.
- 3F. As a complementary effort to the Lower Duwamish Waterway Source Control Strategy, Ecology and EPA will continue to develop modelling tools to support a Pollutant Loading Assessment of toxics in the Green-Duwamish watershed, including the Lower Duwamish Waterway.
- 3G. Ecology will engage in a focused public education and outreach effort to inform the public about the water quality problems posed by over-enrichment of nutrients in Puget Sound. The effort will take advantage of Ecology's studies and modeling efforts and use multiple communication tools to distribute messages at regular intervals to break up the information into manageable chunks. The communication effort will begin July 2017 with a workshop, open to the public, called the Puget Sound Nutrient Dialogue. The Dialogue will bring together subject matter experts from different areas of Puget Sound recovery efforts that overlap with the nutrient issue, and engage the audience with discussions and Q&A regarding the state of the science relative to their areas of technical expertise. It is a starting place to build on for future discussions and public engagement.

Ecology will engage with stakeholders in the initial scoping phase of this project to determine how to proceed with the collaborative development of the nutrient source reduction plan.

### **Activities and Measures - Water Quality Standards**

- 3H Ecology will start rulemaking to revise the recreational use criteria in the surface water quality standards by September 2017. The public announcement will be a pre-proposal announcement (CR-101) as required by the Washington State Administrative Procedures Act (APA). Ecology can then begin stakeholder discussions, public information sessions, and discussions with the EPA Region 10 staff. Based on the pre-proposal announcement, Ecology plans to propose a rule by September 2018 in accordance with the CR-102 process of the APA which then requires a final rule within 180 days. Rule submittal to the EPA is expected to be no later than April 2019.

- 3I. Ecology will make progress on developing a water quality standards guidance manual. This manual is intended to instruct agency staff working on CWA programs by providing, a documentation of the proper application of the WQ Standards within these programs including documentation of institutional knowledge, impact of legal decisions, and interpretation of commonly applied water quality standards language.
- 3J. Ecology will update the five-year water quality standards development plan. Ecology will work with the EPA to review the prioritization and dates of rule development timelines, including the appropriate placement in our work plan for updates to dissolved oxygen and fine sediment criteria, as appropriate.
- 3K. EPA's Nutrient Scientific Technical Exchange Partnership & Support (N-STEPS) program provides state with technical assistance for development of numeric criteria for nutrient criteria, including development of numeric translators that can be used in the near term to implement state narrative water quality criteria. With support from the NSTEPS program, Ecology will help develop stressor-response relationships using several datasets with the intent to translate WA State's narrative criteria to acceptable ranges of nutrient concentrations (TN and TP) protective of freshwater aquatic life uses in Washington streams. Ecology will pull together QA/QC data, develop conceptual models, and participate in reviewing technical analyses and technical reports summarizing the findings of the analyses expected in 2017. Based on the results of the analyses, Ecology will consider these analyses in future revisions to the Water Quality Assessment 303(d) listing methodologies and other state narrative interpretation methods for streams as needed.
- 3L. The EPA will work with the Services on Endangered Species Act (ESA) consultation for the compliance schedule provision WAC 173-201A-510(4)(a)(i) submitted by Ecology on August 1, 2016. The EPA will give updates to Ecology on the progress made in real time.
- 3M. 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 the EPA will work together throughout the development of such water quality standard changes. The EPA will provide a timely response to use attainability analyses, variance submittals and other submittals from Ecology that require the EPA approval or review.
- 3N. The 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).
- 3O. The 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.
- 3P. Ecology and the 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.
- 3Q. 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

- 3R. Ecology will submit the next Water Quality Assessment in 2018, which will be an assessment of all state fresh and marine waters where we are able to obtain readily available data. Ecology has undertaken an extensive project to automate the technical assessment of data for each listing cycle, which should improve the ability to meet Clean Water Act timelines for submitting an integrated report. Given the massive amount of data available in Washington, Ecology's past practice of manually organizing and assessing data has been resource intensive and lead to delays in meeting EPA timelines.
- 3S. Ecology will continue to work with the EPA to ensure Washington's Watershed Assessment Tracking (WATS) System database has fields equivalent to the data elements defined in EPA's Assessment Database. Ecology will further work with the EPA to ensure that baseline data is uploaded and the requirement for electronic Integrated Report submittals via ATTAINS is met. This will improve the ability to provide consistent reporting at the national level. (PAM WQ-7, EPA National Water Program federal fiscal year 2009 Guidance)
- 3T. 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.
- 3U. 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 new Assessment submittal. (PAMs SP-10 and SP-11)
- 3V. To support the EPA's new national Trash Free Waters Initiative<sup>36</sup> (), EPA (Margaret McCauley) and Ecology (Karen Dinicola) agree to explore opportunities within existing programs (e.g., MS4 and NEP Stormwater) to reduce and remove the volume of trash entering the State's waterways.

---

<sup>36</sup> <https://www.epa.gov/trash-free-waters>

#### 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>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>
<p><b>Objectives:</b></p>	
<ul style="list-style-type: none"> <li>• Provide best available science, information, and tools to local governments and industry to manage stormwater.</li> <li>• Expedite stormwater project review and delivery.</li> <li>• Provide a compliance pathway for businesses, industries, local governments and others to federal stormwater permit requirements.</li> <li>• 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.</li> <li>• All discharge permits implement applicable Waste Load Allocations from EPA- approved TMDLs.</li> </ul>	
<p><b>Activities and Measures</b></p>	
<p>4A. Ecology will continue to manage the Phase I and Phase II stormwater permit program. This includes construction, industrial and municipal stormwater permits.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Public participation in the planning process.</li> <li>• No feasible alternatives analysis for permits with authorized bypass language where appropriate.</li> <li>• Post construction compliance monitoring as appropriate.</li> </ul>	

The 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 will occur on a schedule per the Compliance Monitoring Schedule Ecology develops in Section 2G.
- 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. Ecology will submit the report by April 1 of each calendar 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 fax the report to (509) 376-2396.

5. Groundwater and Underground Injection Control		
<b>Ecology - Groundwater</b>		<b>Ecology - UIC</b>
Chad Brown (360) 407-6128 <a href="mailto:chbr461@ecy.wa.gov">chbr461@ecy.wa.gov</a>		Mary Shaleen-Hansen (360) 407-6143 <a href="mailto:maha461@ecy.wa.gov">maha461@ecy.wa.gov</a>
<b>EPA – Groundwater</b>	<b>EPA – Surface Water</b>	<b>EPA - UIC</b>
Nick Peak (5A, 5B) (208) 378-5765 <a href="mailto:peak.nicholas@epa.gov">peak.nicholas@epa.gov</a>	Michelle Tucker (5C, 5D) (206) 553-1414 <a href="mailto:tucker.michelle@epa.gov">tucker.michelle@epa.gov</a>	Peter Contreras (206) 553-6708 <a href="mailto:contreras.peter@epa.gov">contreras.peter@epa.gov</a>
<b>Objectives:</b>		
<ul style="list-style-type: none"> <li>• 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.</li> <li>• Provide groundwater quality technical assistance to the public; local, state and federal government; as well as permitted facility operators and permit applicants.</li> </ul>		
<b>Activities and Measures – Groundwater - Base</b>		
5A. Washington Nitrate Prioritization Project: Ecology will update the statewide groundwater nitrate data set with more current data from Washington Department of Health (WDOH), United States Geological Survey (USGS), and Ecology, and will report on what would be needed to automate this process in conjunction with WDOH and USGS. Ecology will also explore how best to obtain		

and organize important hydrogeologic information for the state that currently exists as GIS layers and associated data and information with other agencies.

- 5B. Ecology and the 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 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.
- 5D. 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. Ecology will also provide technical consultation on statewide guidance for Critical Aquifer Recharge Areas.
- 5E. Ecology and the EPA will coordinate on EPA-funded projects that have the potential to impact state groundwater resources.

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

- 5F. 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 outreach 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 the EPA in a timely manner, and continue to work with the 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. (2015 7520s forms I-IV PAMs SDW 7b and 8)
  - If requested, Ecology will conduct joint UIC inspections with the EPA. If UIC wells are found to be out of compliance, Ecology and/or the EPA will take appropriate actions to correct the situation.
  - Ecology will use EPA's CDX Network for biannual data transfers. Ecology will work with EPA to develop a written agreement documenting the process for transmitting data through the CDX as an official e-reporting agency.



<b>6. Sediments</b>	
<b>Ecology</b> Leonard Machut (360) 407-6923 <a href="mailto:leonard.machut@ecy.wa.gov">leonard.machut@ecy.wa.gov</a>	<b>EPA</b> Erika Hoffman (360) 753-9540 <a href="mailto:hoffman.erika@epa.gov">hoffman.erika@epa.gov</a>
<b>Objectives:</b>	
<ul style="list-style-type: none"> <li>• Cleanup and restore existing contaminated sediments and prevent future sediment contamination.</li> </ul>	
<b>Activities and Measures</b>	
6A. Ecology will provide biannual reports online and maintain the Ecology databases to identify the status of identified sediment cleanup sites within Washington State.	
6B. Sediment Cleanup User’s Manual (SCUM) II, Ecology’s main guidance for state sediment management standards, is a living document that will be updated as necessary by Ecology.	
6C. 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.	
6D. Ecology will continue to participate with the Bellingham Bay Pilot partners in implementing planned Bellingham Bay cleanup and restoration plan actions.	
6E. Ecology will continue to implement the Lower Duwamish Waterway source control strategy.	

<b>7. Financial Assistance</b>	
<b>Ecology - Financial Assistance</b> Jeff Nejedly (360) 407- 6572 <a href="mailto:jeff.nejedly@ecy.wa.gov">jeff.nejedly@ecy.wa.gov</a>	<b>EPA - SRF</b> David Carcia (206) 553-0890 <a href="mailto:carcia.david@epa.gov">carcia.david@epa.gov</a>
<b>Ecology- SRF</b> Shelly McMurry (360) 407-7132 <a href="mailto:shelly.mccmurry@ecy.wa.gov">shelly.mccmurry@ecy.wa.gov</a>	
<b>Objectives:</b>	
<ul style="list-style-type: none"> <li>• Provide low-interest loans to public bodies for high priority water quality projects that improve and protect the water quality of Washington State.</li> <li>• Protect the public health and the environment by funding sustainable improvements to existing wastewater infrastructure and construction of new efficient wastewater infrastructure.</li> <li>• Provide loan subsidy to address water quality infrastructure projects needs in small, financially challenged communities.</li> <li>• Provide funding for priority nonpoint source projects and for implementation of Washington’s comprehensive estuary management plans.</li> </ul>	

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

7A. 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. 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.

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

7B. During the 2017-19 biennium, Ecology staff time and resources needed for administration and oversight of the SRF program will be funded through the Administration Charge Account. Ecology will bank the four percent administrative set aside and document in our Intended Use Plan, allowing future use if necessary.

7C. Ecology and the EPA will review and consider updating the CWSRF Operating Agreement, last updated in 2008. As part of the Operating Agreement, Ecology and the EPA will work toward agreement on Ecology's designation as the EPA's non-Federal Representative for informal ESA consultation for revolving fund financed treatment works projects.

7D. Ecology will continue to address expeditious use of federal funds and prevent any issues with unliquidated obligations by continuing to make 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 2017-19 biennium.

## 8. Administrative

### Ecology

Eli Levitt

(360) 407-6499

[eli.levitt@ecy.wa.gov](mailto:eli.levitt@ecy.wa.gov)

### EPA

Michelle Wilcox

(360) 753-9469

[wilcox.michelle@epa.gov](mailto:wilcox.michelle@epa.gov)

### Objectives:

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

### 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 website.
- 8C. Ecology and the 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 2017 meeting and the EPA will organize and host the 2018 meeting.
- 8D. The EPA will participate in Water Quality Program management meetings when necessary to coordinate an effective water quality program. The EPA will provide Ecology with relevant information on implementing water quality regulatory programs including water quality protection programs of other states to assist Ecology. The 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 the EPA to develop appropriate responses to such notifications.

## Appendix A - Public comments

---

**SUBJECT:** EPA/Ecology Partnership agreement comment

Reducing and preparing for climate impacts is listed as the first priority on pages 4 and 11. It is dropped to item 5 on page 25. It is discussed on pages 31-33. Then it is dropped completely! This is the number one environmental problem of our time, and all or most of the \$11 million should be directed to it. What good is "community right-to-know" if the sea is in your front yard and crops won't grow?

As a purely editorial comment, there are six priorities listed on page 25 but the first sentence refers to five.

Thanks,

Jeff Miller

**RESPONSE:** The priorities listed on pages 4, 11, and 25 are not in order of importance; rather, they highlight some of the shared priorities. Pages 31 – 33 address climate change and greenhouse gas emissions. That section first acknowledges the urgency in addressing climate change, followed by the methods used in Washington to address the issue. Specifically discussed are the goals to “reduce energy use” and “meet the GHG emissions reductions adopted into law in 2008.” To help meet these goals, Washington adopted the Clean Air Rule, the nation’s first cap-and-reduce program, to address greenhouse gas emissions from businesses that are responsible for two-thirds of the state’s total emissions.

---

**SUBJECT:** Northwest Environmental Advocates (NWEA) Comments on the DRAFT - Environmental Performance Partnership Agreement, Washington State Department of Ecology, U.S. Environmental Protection Agency, State Fiscal Years 2018–2019, July 1, 2017–June 30, 2019

Comments provided by NWEA Executive Director, Nina Bell.

**RESPONSE:** Thank you for the detailed comments sent in your letter dated May 31, 2017. We appreciate the time and thought that you invested in providing this level of feedback.

After reviewing your comments, our team wanted to provide more details on specific activities and measures. We hope that by providing more specificity it will help address some portion of your concerns and comments.

Please review this final document for new language in these sections:

- 1H – Nonpoint pollution activities. Included more detail on the work underway to enhance our state nonpoint plan.

- 3C – Spokane River toxics reduction work. Provided more details on the Spokane River Regional Toxics Task Force and our efforts to reduce PCBs in the river.
- 3F – Lower Duwamish River. Added more detail on efforts to start pollutant loading assessment (modeling) of toxics in the Green-Duwamish watershed, including the Lower Duwamish Waterway.
- 3G – Puget Sound nutrient issues. Added detail on our efforts to coordinate science across disciplines with stakeholders and other agencies on the problems posed by over-enrichment of nutrients in the Puget Sound. We are excited to start this large scale outreach and discussion to scope the project, share our science, link scientific elements, and develop a nutrient source reduction plan.
- 3K – Developing nutrient criteria. Included more details on our efforts to start development of nutrient criteria.
- 3R – Water quality assessment. Detailed our work to improve our assessment of state fresh and marine waters. We have undertaken an immense project to automate the technical assessment of each listing cycle. We hope this will improve our ability to meet Clean Water Act timelines for submission.

Again, we appreciate your thorough review of the full PPA document as well as Chapter 9. We hope that the PPA can provide a pragmatic overview of key activities and measures as well as a purposeful path forward as a planning document. For clarity, we did not design Chapter 9 to be comprehensive in terms of detailing all of the core work as well as new initiatives managed by the Water Quality Program. We hope our additional information helps add clarity.

We recently shared our strategic plan, as well as our section business plans to give you a sense of our program's approach to mid and long range planning. In addition, we are happy to provide more details on all of the work we do – including work that is funded under other grants such as EPA's Section 319 and National Estuary Partnership (NEP). If you are interested in learning more about these grants or other topics in detail, please contact Melissa Gildersleeve and/or Helen Bresler.