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HANDBOOK FOR FY 1981 STATE/EPA AGREEMENTS

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Handbook for FY 1981

State/EPA Agreements

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Introduction

FY 81 marks the third year in the evolution of State/EPA Agreements (SEAs). These Agreements are designed to be key management tools which top managers in EPA and the States can use to focus attention on priority activities and problems. The goal of the SEA process is to maximize the use of available resources to solve priority environmental problems.

State/EPA Agreements were encouraged but not required for FY 1979. Because FY 1979 was a proving ground for the new process, the SEAs generally covered Clean Water Act programs only and reflected the traditional emphasis on individual programs and existing grant processes. However, in a few cases environmental issues that cut across program categories were identified. The 1979 experience was a good beginning. It started the States and Regions on the road to eventual coordination and integration of programs.

FY 1980 Agreements covered a broader range of programs not only under the Clean Water Act (CWA), but under the Safe Drinking Water Act (SDWA) and the Resource Conservation and Recovery Act (RCRA) as well. Although not required in FY 80 Agreements, many States included issues related to air quality in their priorities. The FY 1980 SEAs moved closer to program integration, but the overall emphasis still remained on programs rather than environmental problems. Generally, issues identified and prioritized were within the boundaries of individual EPA program categories; however, there is evidence of a growing number of SEA initiatives that tackle problem-specific issues, such as integration of activities relating to hazardous waste, ground water, and emergency response problems.

In FY 1981, the States and Regions will be considering all EPA programs for inclusion in their State/EPA Agreements.

The SEA process has been dynamic, to say the least. It has created new roles and dimensions for EPA/State relations as well as new roles and organizational changes within EPA itself. It has brought top managers together from different programs and different agencies to discuss environmental and managerial problems of mutual concern. More importantly, it has prompted the prioritization of environmental problems and firm assignment of the responsibilities necessary to tackle them.

The purpose of this Handbook is to bring together the best of our experiences, to share ideas, and to provide direction for the development of Fiscal Year 1981 SEAs. With this in mind, the Handbook has been grouped into five chapters: "Background," "Administrator's Guidance on FY 1981 State/EPA Agreements," "Public Involvement," "Information Exchange," and "National Program Priorities for Negotiating SEAs."

The "Background" chapter provides a brief outline of SEA uses, achievements and needed improvements.

The "Administrator's Guidance on FY 1981 State/EPA Agreements" is reprinted in this Handbook as it appears in the EPA Operating Year Guidance for FY 1981. This chapter outlines activities, both required and suggested, for successful SEA development, including SEA content, schedule of activities and tracking of commitments. It also includes a discussion of the relationship of SEAs to other planning and management oriented activities.

The "Public Involvement" chapter presents a variety of techiques and alternative approaches to generate meaningful public involvement in the development and implementation of the SEA.

"Information Exchange" provides case studies of particularly resourceful SEA methods for reaching SEA objectives, including examples of program integration, public participation, and coordinated problem solving. The case studies are drawn from a nationwide assessment of the SEA process.

Finally, the chapter titled "National Program Priorities" lists the priorities identified by EPA Assistant Administrators for inclusion in SEA negotiations. Portions of this chapter have been excerpted from the EPA Operating Year Guidance for FY 81.

Background

HOW SEAS ARE USED

While the processes for developing State/EPA Agreements vary from Region to Region and the products differ in scope and format, all SEAs share a common goal: a cleaner, more healthful environment. As a means for accomplishing this goal, SEAs provide side benefits for environmental managers, elected officials, and the public. Recently, when State and EPA managers were asked about the advantages and uses of State/EPA Agreements, answers included:

- "The SEAs are a management tool which focus top leadership and grant monies at both EPA and the State on the most important environmental, management, and problematic issues."

- "SEAs are a communication tool to encourage the States and EPA to 'level' with each other about issues."

- "SEAs are a working tool to set forth plans for solving the important issues, to delineate who is responsible for what and on what schedule."

- "The SEAs are a bilateral agreement--a mechanism for give and take between EPA and the State--an opportunity for each to show itself honestly to the other--and have the other party respond to that need."

- "The SEA and accompanying work plans serve as an excellent tool for directing several grant programs (e.g., CWA, RCRA and SDWA) to address specific problems (e.g., ground water), and for combining the actions of several agencies."

- "SEAs provide States the opportunity to get written commitments from EPA to do things that in the past were difficult to obtain. This is part of an active negotiation process."

- "As a result of the SEA process, we are developing managers and project officers with a multi-media perspective."

ACHIEVEMENTS

The SEA process is evolutionary. The scope of SEAs has expanded considerably since they were first tried. Clearly, States and Regions have accomplished things that were not originally envisioned and the flexibility of the process encouraged the development of a number of innovative and successful approaches. While the SEAs reflect national priorities and commitments, the SEA process and, to the extent possible, the Agreements themselves are tailored to the individual needs of the Regions and States. Particular achievements of the FY 1980 SEA process include the following:

- Cross-cutting problem oriented issues are being addressed.

  -- In Region I, the combined funding resources for sections 201, 208 and 314 of the Clean Water Act are being brought to bear on the high priority problem of cleaning up St. Alban's Bay.

  -- Within Region IV, Florida will be focusing on four areas concerning radiation: drinking water, ground water, phosphate lands, and radioactive material emissions. Joint efforts of the Florida Department of Environmental Regulation, Florida Department of Health and Rehabilitative Services, the Polk County Health Department and the Southwest Florida Water Management District will be involved in addressing the multi-faceted radiation problems.

  -- The Region VII Office and the State of Iowa are developing a plan to address a specific toxics problem at Charles City resulting from an industrial discharge to a municipal treatment plant and leachate at a dump site. Responsibilities for correcting pollution of river water and ground water through interim pretreatment, eventual completion of an industrial waste treatment facility, and upgrading or closing of the dump site are being assigned to EPA and appropriate State agencies through the SEA.

-- In Region IX, the FY 1980 SEA process has resulted in an agreement between EPA and six California agencies concerned with aspects of the toxics problem. The Agreement will address coordination of land use planning and growth management, residuals management, coordinated permitting, air pollution mitigation, hazardous materials management, and public participation.

-- In Region X, EPA worked with the State of Idaho and local governments to develop an integrated multi-media strategy for urban areas in Idaho.

- The Agreements are being used as management tools.

  -- Many Regions plan on using their Agreements as an integral part of their State/EPA mid-year evaluations and are developing tracking mechanisms to assure that SEA commitments are met. Some Regions are tying SEA commitments to EPA employee performance agreements. Likewise, some States are using the SEA process as a tool to better manage their own programs--even those that are not EPA funded.

- The Agreements have improved coordination and communication within the States.

  -- The FY 1979 New York SEA in Region II was principally responsible for reestablishing cooperation between the State Department of Environmental Conservation and the Department of Public Health regarding water quality and supply issues.

  -- In North Dakota the SEA process prompted the State Department of Health and the State Department of Agriculture to jointly commit themselves to resolve a pesticide container problem.

- Coordination and communication between the Regions and States is improving.

  -- The Region III Administrator has used the Agreement as a vehicle to brief State Legislators, laying groundwork for legislative and budget sessions within the States.

  -- Region X SEAs called for a Regional SEA workshop to bring together top managers from all programs and all States to discuss problems of mutual concern and to plan for the FY 81 SEA cycle.

Many of these and other innovative approaches will be outlined more fully in the case studies in Chapter III.

NEEDED IMPROVEMENTS

Achievements such as those noted above were the result of an extensive work effort by EPA and State managers committed to carving out an SEA process best suited to their needs. Because of the time and paperwork involved in developing anything new, particularly when it involves several agencies and constituencies, the 1980 SEA process for most Regions and States was a time-consuming task.

Most people involved in the FY 1980 State/EPA Agreements agreed that a number of growing pains were experienced and that improvements are needed. These include:

- More emphasis on environmental problem-solving activities both within and across program lines.
- Better analysis of environmental problems.
- Better integration of SEA development into EPA and State planning and budgeting processes.
- Improved tracking and evaluation procedures.
- Further EPA commitments in addition to providing grant awards.
- Better reflection of SEA priorities in the grant applications and work plans.
- Improved public involvement in SEA development.

This handbook and the Administrator's Guidance will attempt to address these issues as well as others which have surfaced during the first two-years of this process.

Administrator's Guidance for FY 1981 State/EPA Agreements

INTRODUCTION

State/EPA Agreements (SEAs) are intended to be key management tools which top managers in both EPA and the States can use to focus attention on priority activities and problems. Each Assistant Administrator has, in the appropriate section of this Guidance package, identified both program priorities and SEA priorities for Fiscal Year 1981. These SEA priorities should be used to guide the negotiation of the FY 1981 SEAs with a goal of maximizing the use of available resources to solve environmental problems.

This section of the Operating Year Guidance for FY 1981 provides direction for development of FY 1981 SEAs. It includes a concise statement of the roles and responsibilities of Headquarters, the Regions and the States in the SEA process. It defines the activities which occur in the development of SEAs, sets forth a suggested schedule for SEA development, and defines the essential elements of the SEA. The Guidance also discusses the role of tracking and public involvement in the SEA process. It covers both required and suggested activities for SEA development and is based on the actual experience of States and Regions with FY 79 and 80 Agreements** and the recommendations of the Administrator's Committee on State/EPA Agreements.***

More detailed information, including examples of innovative or successful approaches to SEA development, will be included in the FY 1981 SEA Handbook which will be available by March 1980.

*Reprinted from EPA Operating Year Guidance for Fiscal Year 1981.
**See October 1979 Annual Report: State/EPA Agreements.
***Convened by the Administrator in November 1979, to discuss SEA development and recommend future direction.

SEA AS A MANAGEMENT TOOL

Based on past experience, the consensus is that SEAs should be strengthened as a management tool by:

- Including all EPA programs as candidates for coverage in SEAs
- Focusing SEAs on priority issues, with particular emphasis on addressing problems across program lines
- Making the negotiation and implementation of SEAs a top level, personal priority of Regional Administrators
- Using SEA priorities to "drive" program grant activities
- Tracking specific State and EPA commitments.

ROLES AND RESPONSIBILITIES

In delineating Federal and State roles in the Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), Clean Water Act (CWA), Clean Air Act, and other environmental legislation, Congress clearly expected a Federal/State partnership. The State/EPA Agreement process should make that partnership real by encouraging States and Regional Offices to negotiate their priorities in order to maximize the use of available resources.

EPA Headquarters' role in SEA development includes the following:

- Setting national priorities
- Developing regulations and guidelines to implement environmental legislation
- Providing grant funds
- Developing program guidance
- Developing methods to consolidate and streamline overall paperwork
- Providing a forum for information exchange
- Reviewing SEAs and assessing operation of SEA process.

EPA Regional Offices and the States are the most active participants in the negotiation and implementation of State/ EPA Agreements. EPA Regional Offices have responsibilities for the following:

- Identifying and assessing Regional environmental problems
- Identifying opportunities to integrate resources and activities to solve environmental problems
- Providing States with program guidance consistent with the Agency Operating Year Guidance
- Consulting with appropriate Assistant Administrators before negotiating SEAs which conflict with major national program priorities as stated in the Agency Operating Year Guidance
- Negotiating SEA priorities and work plans with States
- Streamlining the SEA process and consolidating paperwork where possible
- Assisting States with public participation
- Identifying and implementing EPA commitments in SEAs
- Evaluating SEA progress and tracking commitments to assure that they are met.

The State, as recipient of Federal grant funds, is responsible for complying with applicable Federal laws and regulations. The SEA offers States the opportunity to negotiate, with EPA, the priorities within their annual grant work plans, as well as the cross-cutting issues that call for the application of time and resources across program lines (e.g., hazardous waste sites). State responsibilities include:

- Identifying and negotiating SEA priorities with the Regional Office
- Identifying opportunities to integrate resources and activities to solve environmental problems
- Developing grant work plans based on SEA negotiations and integrating them where possible
- Conducting public involvement activities (notices, public hearings, workshops)
- Implementing SEA commitments and grant work plans
- Evaluating SEA progress and tracking commitments to ensure that they are met.

Although the States and EPA have primary responsibility for negotiating the Agreements, participation of the public and other governmental agencies is important to the negotiation and execution of the Agreements. EPA and the States should, therefore, work closely with the public and with appropriate interstate agencies and regional and local agencies in developing the Agreements.

SEA REGIONAL AND STATE ORGANIZATIONAL MODELS

Because FY 1980 SEAs included three or more environmental programs, many Regions and States found it advantageous to assign SEA coordinating responsibility to specific organizational units.* Regardless of the organizational model used by the Region it is clear that support of the Regional Administrator and other top managers, along with active, continuous involvement by the program offices enhance the quality and utility of the Agreement. Program offices should be involved in negotiating the Agreements to ensure that the SEA priorities are effectively implemented through the grant work plans.

State arrangements for SEA development vary, but in general they can be grouped into two types. In one, negotiations are conducted by a single environmental agency that has responsibility for all of the programs included in the SEA. In the other, two or more State agencies individually conduct negotiations for the program grant area(s) for which they are responsible and become co-signers of the SEA. This is frequently accompanied by an "umbrella" Agreement with the Governor.

Methods of organizing and negotiating Agreements are less important than the character of the negotiations themselves. The State/EPA Agreement must be a truly bilateral agreement. Both EPA and the States must be willing to commit themselves to specific activities (in addition to the award of grant funds).

SEA DEVELOPMENT

Process

The State and EPA should begin development of the Agreement as early as possible each year (see Schedule, next page). Generally, the SEA process should include the following broadly defined activities:

- Assessment of environmental problems and existing strategies
- Identification of priority problems
- Identification of available resources
- Negotiation of SEA priorities

*EDITOR'S NOTE: For more information about SEA regional and State organizational models, see Annual Report, October 1979.

- Assessment and selection of alternative problem-solving approaches

- Assignment of tasks, schedules, funding and responsible parties

- Implementation of signed Agreement, including the award of grants

- Periodic evaluations of SEA outputs and annual revision.

In planning for the FY 81 SEAs, both Headquarters and the Regions should make a concerted effort to streamline the SEA process by consolidating planning activities and related paperwork where possible.

FY 81 SEA Schedule

The following is a suggested schedule for FY 1981 SEA development. It is similar to several Regional schedules and provides a general calendar for SEA activities.*

MONTH	ACTIVITY	RESPONSIBLE PARTY*
1979		
October	Award FY 80 grants	Regions
	Assess FY 80 SEA process and identify needed improvements	HQ/Regions
	National HQ/Regional/SEA Coordinators Meeting	HQs
November	Initiate review of FY 80 SEAs to determine strengths and weaknesses	HQs/Regions/States
December	Prepare FY 81 SEA schedules and "scope of work"	Regions/States
	Review environmental problem assessments	Regions/States

*It is recognized that this schedule will vary slightly from Region-to-Region.
**HQ - EPA Headquarters
Region - EPA Regional Offices
States - Appropriate State Offices

MONTH	ACTIVITY	RESPONSIBLE PARTY**
1980		
January	Begin FY 81 SEA priorities planning	Regions/States
	Review draft National SEA Guidance	Regions/States/locals
February	Issue final Agency Operating Guidance which includes guidance for SEA development	HQs
	Prioritize problems based on problem assessments and available multi-year strategies	Regions/States
March	Prepare program priorities for SEA negotiation based on Agency Operating Guidance	Regions
	Begin SEA priority negotiations	Regions/States
	Issue public notice re: SEA development	Regions and/or States
April	Public meetings/workshops/questionnaires for SEA priorities	States/Regions/locals
	Mid-year review of FY 80 SEA	Regions/States
May	Complete SEA negotiations for draft FY 81 SEA	Regions/States
June	Distribute FY 81 SEA draft for review	Regions/States
	Prepare summaries for public	Regions or States
	Solicit public comments on SEA draft	Regions and/or States
July	Final SEA negotiations	Regions/States
August	Complete FY 81 SEA, reflecting public comments	Regions/States
	Prepare public responsiveness summaries and distribute as appropriate	Regions/States
September	Sign FY 81 SEAs	Regions/States

The SEA negotiators should coordinate their schedules with those of existing EPA program grants. State planning and budget cycles should be considered to the extent possible. Generally, this means that the draft SEA should be completed by June 1 of each year. Following final negotiations, review, and public input, the final agreement should be submitted to the Regional Administrator and State signator(s) in September of each year.

Format and Content of the State/EPA Agreement

The key to SEA success is flexibility and accommodation of individual State environmental problems and resource capabilities. Keeping this in mind, the Regions and the States have flexibility regarding SEA formats. The term "format" refers to how an SEA is packaged; that is, how priorities, work plans, grants, summaries, signature pages, and the like are included or appended. Regardless of what format is used, the Agreement should deal with a manageable number of priorities and should be streamlined so that it is useful to top EPA and State managers.

The Agreements should, however, have some uniformity of content to enhance their use as management tools. With this in mind, FY 81 Agreements should include the following:

- An executive summary (if the SEA is longer than 25 pages)
- A clear identification of priority problems based on problem assessments and multi-year strategies, where feasible (an example of a multi-year strategy format is shown in Figure 1)
- Annual grant work plans, which may be appended
- A documentation of tasks and resources needed to meet SEA priority commitments (an example of a format for documentation of resources is shown in Figure 2)
- A description of public involvement
- A procedure for management tracking.

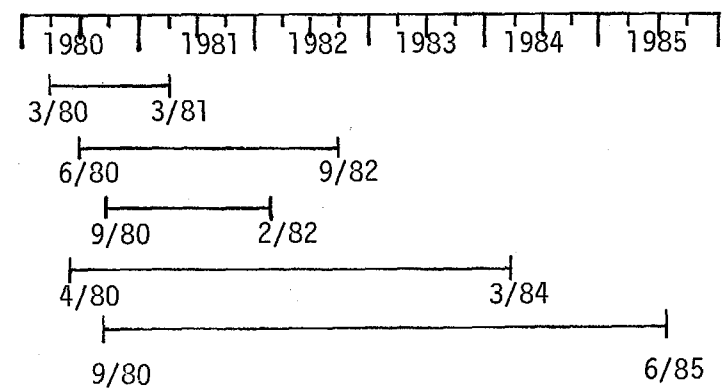
SEA Tracking

A general criticism of the FY 80 SEAs by both States and EPA is that many commitments in the Agreement are so loosely worded that tracking progress (verification of specific, measured steps toward the stated objectives) is difficult. To help improve SEA tracking, several Regions have suggested the following ideas: (1) tying major SEA commitments to managers' performance agreements;(2) giving each program office a check list of SEA tasks and output dates for which it is responsible (this should assist in tracking commitments at all management levels); (3) using the SEAs as the basis for State/EPA mid-year reviews where commitments by EPA and the State are evaluated; and (4) assigning State and Regional project officers to each priority.

Clearly, as in all aspects of the SEA process, top management must support SEA implementation and evaluation. Where commitments are not met, the Regions and States must take needed corrective actions.

FIGURE 1 -- SAMPLE MULTI-YEAR STRATEGY FORMAT
MULTI-YEAR AIR QUALITY STRATEGY
(Stationary Source Control)*

PROGRAM OBJECTIVES	TASKS	RESPONSIBLE AGENCY	RESOURCES	SCHEDULE
•Reduce pollution levels caused by stationary sources.	Task No. 1	State	Y	3/80 – 3/81
	Task No. 2	EPA	X	6/80 – 9/82
•Prevent violations of air quality standards	Task No. 3	State	T	9/80 – 2/82
	Task No. 4	EPA	U	4/80 – 3/84
	Task No. 5	State	V	9/80 – 6/85



*Actual air strategy format used by State of Alaska for FY 80 SEA.

FIGURE 2 -- DOCUMENTATION OF RESOURCES USED TO MEET SEA PRIORITY COMMITMENTS

PRIORITY ISSUE: Develop Emergency Response Program*
REGION XII
STATE: Xanadu

ACTIVITY	MILESTONES	FY 80 RESOURCES WORK YEARS STATE	FY 80 RESOURCES WORK YEARS FEDERAL	FY 80 RESOURCES $ x 1000 PROGRAM/AMT	RESPONSIBLE AGENCY(s)
•Prepare predictive analysis study to forecast spills in the following areas: oil, hazardous wastes and toxics substances.	10/80-2/81	1	1	CWA-106/30	State: Dept of Environmental Quality EPA: Surveillance and Analysis Division
•Develop emergency response plan.	10/80-5/81	1	--	CWA-106/30	State: Dept of Environmental Quality
•Respond to spills in accordance with plan (estimate 10 major spills in FY 1981).	on-going	3	2	CWA-106/70 RCRA-3011/40 SDWA-1443a/40	State: Dept of Environmental Quality Dept of Health
•Provide information and technical assistance to States on spill protection program.	10/80-9/81	--	2	--	EPA: Surveillance and Analysis Division Enforcement Division
	TOTALS	5	5	210	

*Example adapted from approach used in Region VIII FY 1980 SEAs.

PUBLIC INVOLVEMENT IN THE STATE/EPA AGREEMENT PROCESS

The States and EPA have principal responsibility for negotiating the Agreements; however, the involvement of the public and other interested parties is important to the development and implementation of the SEA. Federal regulations require EPA and the States to (1) notify the public about the goals and scope of the Agreement; (2) provide information to help people participate in the Agreement process; and (3) schedule ample opportunities for participation. Specific procedural requirements for public involvement, including those for public meetings or hearings, are contained in the public participation regulations (40 CFR 25). In addition to the general public, EPA and the States should work closely with regional planning and implementing agencies, as well as interstate agencies and local governments to agree on cooperative strategies, priorities, and responsibilities.

The FY 1981 SEA Handbook* will contain detailed suggestions on how to improve public involvement, including the use of target groups, regional and interstate agencies, and consolidation of public participation activities.

RELATIONSHIP OF SEAS TO OTHER PLANNING AND MANAGEMENT ACTIVITIES*

The following information briefly outlines how the State/EPA Agreement process can complement other planning and management activities. It has been added to the preceding Administrator's Guidance in response to comments received from States and Regions asking how SEAs fit into the planning process.

Regional, State and EPA Headquarters' managers are learning that the SEA process can neither be viewed as separate from nor exclusive of other management oriented activities, including: environmental assessments, program strategies, program evaluations, employee performance agreements, accountability reports and the budget. The SEA is inextricably tied to all these activities.

The SEA is a product of a process which requires the assessment and identification of priority problems, identification of available resources, negotiation of priorities and assignment of tasks and responsibilities.

*See pages 18-20.
**EDITOR'S NOTE: This section is an addendum to the official SEA Guidance.

- Problem Assessment and Multi-Year Strategies

Currently, several problem assessment activities are being undertaken by the Regions and States. These include open dump inventories, surface impoundment assessments, 305(b) water quality reports, water quality management needs assessments, and environmental quality profiles. Some Regions are attempting to consolidate existing problem assessment and reporting requirements. For example, Region X is currently developing a plan, with assistance from the States, to consolidate the assessment requirements of the 305(b) report and the Region's own State-by-State environmental assessments known as Environmental Profiles. This information will be used as the basis for establishing priorities in the Agreements.

Several programs require or encourage development of multi-year strategies which indicate policy direction over a 3- to 5-year period. Such strategies can provide needed funding information and thus eliminate activities like the water quality management needs assessment. Some Regions have required multi-year strategies for all their programs.

The SEA negotiated priorities should be based on problem assessments, such as those mentioned above, and on evaluation of the previous year's SEA outputs. Where there are existing strategies which articulate specific goals and objectives, they should also be used to provide input to the SEA negotiation process. If there are no strategies, the SEA should drive their development.

- Zero Based Budgeting (ZBB)

Through the ZBB process, national priorities and resources have already been assigned for FY 1981. We recognize that this does place bounds on the negotiation of current priorities. Over time, however, the SEA will provide the opportunity to have a meaningful impact on the ZBB process. Through the use of environmental assessments and multi-year strategies in the SEA process, the Regions and States can assist in pinpointing priority environmental problems and identifying future resource needs.

Public Involvement

During October and November 1979, Headquarters conducted a survey of the strengths and weaknesses of public involvement in the development of the FY 1980 Agreements. As a result of the survey, the following techniques are suggested. They are applicable to all stages of the SEA process, including pre-negotiation activities, development of the SEAs and work plans, evaluation and annual SEA revision. The suggested approaches must be adapted to fit local conditions.

OBTAIN EARLY PUBLIC INVOLVEMENT

To maximize public participation and generate meaningful input, the public should be involved early and continuously in SEA development.

- In Maine, the State held a workshop early in the SEA process which had 100 attendees representing a variety of interests. The discussions were broken into three groups: air, land and water. Results of the discussions were factored into the SEA.*

- In Region III, the RA and regional staff met with the Governors and key legislators early in the States' legislative process to obtain their concurrence and support of the SEA concept.*

The schedule on pages 11 and 12 offers suggestions on when to involve the public in the SEA process.

USE TARGET GROUPS

Based on the results of the survey, the use of target groups appears to be one of the most effective means to generate public participation. (We recognize that there are some problems with the use of target groups

*For more detail refer to the Chapter on Information Exchange.

such as over-familiarity with issues, conflict of interest and the "good old boy" syndrome.) Target groups have an established membership which can be used to funnel information and feedback to and from State and EPA officials. For example:

- New Jersey contracted with a statewide public interest group to inform targeted organizations about the intent of the SEA and solicit feedback which was relayed to the State and EPA.*

- Arkansas sent out questionnaires to all individuals on its environmental mailing list and requested that they identify environmental problems that need priority attention. The State received over 200 responses which were summarized and factored into the Arkansas SEA.*

USE REGIONAL AND INTERSTATE AGENCIES

Regional planning and implementating agencies, as well as interstate agencies, can be used to serve as prime contact points with local interest groups. These agencies carry out activities which encourage public participartion, such as establishing advisory groups and conducting meetings, hearings and workshops in conjunction with the State and EPA.

CONSOLIDATE/COORDINATE PUBLIC PARTICIPATION ACTIVITIES

Wherever possible, the States and Regions should combine the public participation requirements of the programs (such as water quality management and solid waste management) covered by the Agreement. Possible areas for consolidation and coordination include advisory committees, public information programs, and public hearings or meetings.

- In Illinois the 208 Water Quality Management Advisory Group was reorganized into a new Statewide Policy Advisory Committee. The new Committee's responsibilities include the review and discussion of issues that pertain to all State environmental programs, including 208. The membership of the Committee represents air, hazardous waste, drinking water, and solid waste interests.

- Montana consolidated its public meetings for those programs covered under its FY 1980 State/EPA Agreement. Instead of holding individual meetings for the grant programs included in the Agreement (water quality management, water supply, solid waste, pesticides and air), the State held two multi-media meetings. Over 100 persons attended. These public meetings fulfilled the public participation requirements for the above programs and resulted in considerable savings of time and effort for the State.

*For more detail refer to the Chapter on Information Exchange.

Public comments from the meetings, hearings, or other sources should be considered and integrated into the final Agreement. A summary of public comments and the States and/or Regions' responses to those comments should be prepared.

Also, EPA and the State should prepare a summary of the final Agreement and make it available to interested Federal, State and local agencies, elected officials and citizens. The Executive Summary, if written in laypersons' language, could be used for this purpose.

Information Exchange

CASE STUDY INDEX

INTEGRATION

- Webster Lake, New Hampshire (Region I).
- Boston Harbour (Region I).
- Integrated approach to acid mine drainage (Region III).
- Arkansas - use of joint field staff (Region VI).
- Joint training of water and wastewater treatment plant operators (Region VI).
- Charles City, Iowa - [toxics] (Region VII).
- Integrated pesticide container strategy - North Dakota (Region VIII).
- Program management integration - Montana (Region VIII).
- California toxics agreement (Region IX).
- Regional urban initiative - Boise, Idaho (Region X)
- Idaho multi-media strategy (Region X).

FORMAT

- Texas format (Region VI).

PUBLIC PARTICIPATION

- Maine public participation (Region I).
- New Jersey public participation (Region II).
- Regional initiative in contacting key State legislators (Region III).
- Public participation - West Virginia (Region III).
- Arkansas public participation (Region VI).
- Creation of an advisory committee to input early in SEA development [Colorado] (Region VIII).

Case Study Webster Lake, New Hampshire

REGION: I
STATE: New Hampshire
REASON FOR INCLUSION: Integration

FACTS

Webster Lake in Franklin, New Hampshire is a lake of approximately 650 acres. It is surrounded by first and second tier development dating largely to pre-1967. The homes, both year-round and seasonal, are served by sub-surface disposal systems which, due to their era, were not built according to presently accepted criteria. There is great pressure to convert seasonal dwellings to year-round use. Development is also rapidly occurring on vacant lands surrounding the lake and along tributaries to the lake.

Webster Lake has been the source of much concern for the residents of Franklin. Blooms of filamentous algae have required numerous applications of copper sulfate over the last several years. Reports by consultants have indicated a trend toward reduced transparency, as well as periods of low dissolved oxygen. The public concern stems from a fear of loss of this valuable recreational resource.

The Lakes Region Planning Commission's 208 Water Quality Management Plan has identified a need to protect the lake from degradation by nonpoint source pollution.

Requests have been made by residents, the selectmen, and other public officials representing the area that the Commission investigate the problems at Webster Lake.

The program proposed in the SEA will integrate comprehensive land management, other nonpoint pollution source controls, traditional point source controls and in-lake water management approaches of the 208, 201, and 314 programs. The investigation and planning will be conducted under the auspices of the Water Quality Management Planning Program funded under Section 208.

CONCLUSION

Webster Lake pollution problems result from several sources. One planning program (208) will be utilized to design an overall management plan for the Lake. Implementation funding will come from those programs best suited to address the problems and the management plan will provide a framework to ensure that an integrated approach is taken and that there is no duplication of effort.

Case Study Boston Harbor

REGION: I
STATE: Massachusetts
REASON FOR INCLUSION: Integration.

FACTS

A Boston Harbor Interagency Coordinating Committee was established under the 1979 SEA to ensure coordination, to expedite the meeting of planned objectives, and to foster development and implementation of sound water quality management plans in the future. Specifically, the Committee provides a forum for sharing information, discussing proposed actions, and expediting progress of projects where possible. The 1980 SEA continues the Committee and changes its membership to include:

Secretary of the Executive Office of Environmental Affairs
Commissioner of the Department of Environmental Quality Engineering (DEQE)
Commissioner of the Metropolitan District Commission (MDC)
Department of Environmental Management
Office of Coastal Zone Management
Office of Environmental Impact Review
Metropolitan Area Planning Council
Environmental Protection Agency
Boston Water and Sewer Commission
Boston Harbor Citizens' Advisory Committee

Committee meetings will be held at least once every two months and member agencies will meet separately from time to time to discuss specific issues related to their responsibilities.

Immediate objectives of the Committee will be:

1. To expedite action on the programs and projects pertinent to water quality management of Boston Harbor particularly in regard to agency reviews and approvals and to the timing of interrelated programs. The following programs are of immediate concern:

a. MDC primary sludge management including the existing Nut Island sludge outfall.
b. Facilities planning for upgrading of the Deer and Nut Island treatment facilities.
c. Waiver application and review.
d. Facilities planning for the elimination of combined sewer overflows in the metropolitan area.
e. Facilities planning for interceptor relief for the Millbrook Valley Sewer, the Framingham Extension Sewer, and others, as necessary.
f. The development of a toxic substance control program.

2. To develop a priority list and schedule of further water quality management planning activities that should be conducted, particularly with regard to:

a. Sludge management.
b. Reduction of infiltration/inflow in both MDC and community systems.
c. Water conservation.
d. Relationship between water supply management and waste water management.
e. Nonpoint sources of pollution, including stormwater runoff.

CONCLUSION

The Boston Harbor Committee, formalized through the SEA process, provides an institutional mechanism for addressing complex multi-media problems in a specific geographical area. Although the Committee only has an advisory function, the broad representation on the Committee ensures that all interested parties will have an opportunity to express their interests in Boston Harbor, understand others' interests, and develop a program for coordinating the various positions.

Case Study Integrated Approach to Acid Mine Drainage

REGION: III
STATE: West Virginia
REASON FOR INCLUSION: Integration of Planning and Implementation Activities Dealing with Acid Mine Drainage

FACTS

West Virginia's FY 80 SEA identifies acid mine drainage as one of the State's major sources of water quality degradation. The State plans to develop a multi-year strategy to address this problem. More specifically, the State has made a commitment in the SEA to integrate the Water Quality Management Planning Program with the large scale implementation opportunities afforded by the Office of Surface Mining (OSM) programs in FY 81 to attack this problem. The Division of Reclamation, Department of Natural Resources (DNR) is expected to be awarded a $15 million OSM grant to provide solutions to acid mine drainage problems. The funding is contingent upon the State's completion of an acceptable plan. Unfortunately, there has been conflict within DNR as to which division is responsible for preparing the water quality aspects of the Reclamation plan.

In the past, DNR's unwritten policy designated the Division of Water Resources as the party responsible for developing a 208 water quality plan which would include procedures to control acid mine drainage. The Division of Reclamation has been responsible for implementation and enforcement of appropriate portions of the WQM plan. However, the Division of Reclamation felt that it should develop a separate plan that also deals with water quality degradation caused by acid mine drainage. The SEA process prompted the Secretary of the Department of Natural Resources, the EPA Program Officer, the RA, and a representative from the Federal Office of Surface Mining to meet to resolve the conflict over division planning and implementation responsibilities.

The outgrowth of the meeting was (1) the assignment of a person from the Office of Surface Mining (DOI), pursuant to the Interagency Personnel Act, to the Department of Natural Resources to oversee the Division of Water Resources and Reclamation's program responsibilities and coordinate Federal, State, and local activities in this area and (2) the Department of Natural Resources issued a policy directive clearly stating that the Division of Water Resources will continue to be responsible for development of a WQM plan and aspects of the Reclamation plan that relate to water quality and the Division of Reclamation for implementation of relevant portions of those plans.

RESULT OR CONCLUSIONS

West Virginia has taken an important step toward integrating the Water Quality Management Program and the Surface Mining Program by establishing a structure that can work toward resolving acid mine drainage problems. The SEA process served as a vehicle to resolve divisional conflicts that have in the past prevented coordination of planning and implementation activities. This integrated approach will avoid duplication of effort and ensure completion of required planning activities.

Case Study Use of Joint Field Staff

REGION: VI
STATE: Arkansas
REASON FOR INCLUSION: Integration

FACTS

The different media programs (air, solid waste, water) within the Department of Pollution Control and Ecology have their own separate investigative field staff. Each media's field staff has conducted its own field investigation of sites in a manner completely separate from those conducted under other environmental programs.

In the FY 1980 SEA, the Department is proposing to crosstrain these separate field staffs in environmental areas normally outside of their present expertise. The solid waste staff will be given basic training in field investigations of air and water media problems. This cross-training is intended to result in multimedia environmental field personnel who will be able to identify environmental problems in the field that are presently outside of their media specialty. If environmental problems in other media are witnessed on a field visit, the investigator will bring back this knowledge to his immediate supervisor. The supervisor would in turn coordinate with the supervisor in the media area of concern. This approach is seen to extend the outreach functions of all field staffs and, in turn, reduce the need for duplicative field visits.

In addition to training, the Department is planning other actions to better coordinate the different media field staffs. For example, a formal mechanism will be developed to quickly pass-on complaints on an environmental problem received by one media program to the media's program staff who are responsible. Media programs will also better coordinate routine field visits before they occur to enable visits to neighboring sites outside the normal itinerary of a media program concern.

CONCLUSION

Through the SEA process, Arkansas will improve coordination among media field staffs and improve inspection effectiveness by creating field staff knowledgeable in several media.

Case Study Joint Training of Water and Wastewater Treatment Plant Operators

REGION: VI
STATE: Arkansas
REASON FOR INCLUSION: Integration

FACTS

The State of Arkansas presently has over 250 treatment plants along with 600 wastewater and 1200 water treatment plant operators. Early in the 1970s the State recognized an acute need to establish a wastewater treatment operator training facility. With numerous one-man operations (and a high rate of turnover in employment) the State decided it was impractical to establish an operator training facility in only one location. A single facility would have required each operator's attendance away from the job for over a month's time at each training session. In 1971, the Arkansas Department of Pollution Control and Ecology (DPC&E) received a $50,000 EPA grant to establish and run a mobile training unit for wastewater treatment plant operators.

With the addition of Federal funds the mobile unit continues its successful operation, visiting each of the nine districts in the State at least once a year. Since 1973, the operation has been run by the S.W. Technical Institute as a part of its campus environmental technology program. The unit holds 22 students and includes laboratory facilities and a reference library with various manuals and presentations on file. A full-time instructor teaches classes from 1:00 to 5:00 p.m. for four weeks, with an additional full week of lab work. Last year the unit served 800 people. The program is flexible in that the curriculum can be changed to address the specific needs of each district, such as the management of sludge disposal. The program is popular with the operators themselves, the mayors, and the State legislature. As a spin-off to the program the State is planning next year to build a $250,000 classroom and full laboratory on the S.W. Technological Institute campus in East Camden, Arkansas. The State hopes that this more intensive training facility will also be used by neighboring rural States.

In Arkansas the DPC&E is responsible for wastewater programs and the Department of Health is responsible for water supply treatment programs. The FY 1980 SEA gave priority to investigating using the mobile unit during the other half of each day to train water supply treatment plant operators. Negotiations are currently underway between the two responsible State agencies to jointly train the water and wastewater plant operators in the single mobile unit. The new classroom facility will serve both programs.

CONCLUSION

In Arkansas, the SEA is being used as a vehicle to bring together two State agencies to best utilize State resources to train operators.

Case Study Integrated Approach to Toxics Dumping

REGION: VII
STATE: Iowa
REASON FOR INCLUSION: Integration

FACTS

First addressed in the FY 1979 Iowa SEA, the Charles City/Salsbury Laboratory toxics disposal issue represents a complex environmental problem. The waste products from this plant are posing a serious threat to both surface and ground water supplies. The Laboratory, located in Charles City, Iowa, produces organic chemicals, animal health products, and vaccines. The first evidence of toxics-related water quality problems was observed through routine monitoring conducted in 1974. Specific chemical contaminants within the laboratory's waste stream include; arsenic, phenol, orthonitroanaline, and nitrophenol.

The Salsbury situation, which is once again highlighted in the FY 80 Iowa Agreement, exemplifies the complex nature of a toxic disposal problem. Solutions to this difficult water quality problem, involving surface (effluent and urban runoff) as well as leachate contamination, will require careful consideration of numerous technical, economic, legal, and political solutions.

Thus far, the focus of attention has been on the two most critical aspects of the problem -- disposal of contaminated effluent in the City's treatment plant and the more insidious problem associated with the disposal of toxic wastes in the privately-owned LaBounty landfill. Progress is being made regarding disposal of liquid waste at the municipal treatment plant. In February 1979, EPA notified the City that actions would be taken if Salsbury Laboratory were not required to install pretreatment equipment. The Company is currently completing the installation of an interim treatment process which should allow the plant to meet existing permit limitations for arsenic and substantially reduce other priority pollutants from entering the City's treatment plant. Eventually the Lab will build a separate treatment facility and no longer use the municipal treatment plant. Suspected contamination associated with urban runoff from the plant area itself is presently being studied. The Iowa Department of Environmental Quality (IDEQ) is working on a new NPDES permit for this discharge source.

Pollution from leachate in the LaBounty landfill is a far more complex problem, however. The landfill, which has been in use since 1935, is used primarily by the Laboratory for deposition of numerous waste organic compounds. Field investigations at the site indicate that substantial arsenic loading (approximately 150 lbs/day) is occurring in

the Cedar River adjacent to the landfill. In addition, it is suspected that the presence of trace amounts of orthonitroanaline in drinking water supplies in the Waterloo, Iowa area may be linked to the Salsbury problem as well. Evidence of this nature underscores the potential for large scale contamination of ground water supplies downstream from Charles City.

Based on this preliminary evidence, the IDEQ issued orders in December 1977, to stop further use of the site and begin action to remove the contaminated material. This executive order, however, was contested in the courts where an administrative hearing is still pending. During the interim, extensive sampling, monitoring and survey analysis have been conducted by EPA, IDEQ, Salsbury Laboratory, and Iowa University's Hygienic Laboratory.

Based on this continuing data collection effort, EPA experts have concluded that, thus far, no apparent risk to public health and welfare has occurred. The issue of how best to correct and prevent any further discharge of leachate from the LaBounty site remains unresolved. Estimates for removal of the contaminated material alone exceed 30 million dollars.

Numerous meetings have occurred since February 1979, between EPA, the State of Iowa, Salsbury Laboratory and Iowa Geological Service to discuss what type of interim steps should be taken to control this pollution in the near term. To assist in this effort, EPA has contracted with a nationally recognized ground water consulting firm to work with Salsbury on a feasibility study for possible in-place remedies in order to minimize discharges from the site. Under this approach a phased control effort is anticipated. The initial phase, which is currently being implemented, includes an extensive ground and surface water monitoring program and the regrading of the site to prevent further runoff. A second phase will begin next spring with the capping of the chemical fill material in order to contain any further runoff or percolation. If these efforts do not prove satisfactory, further control actions may have to be taken.

Regional Office oversight of the Salsbury issue has been handled through a task force consisting of program representatives from Water Supply, Permits, Enforcement, Hazardous Wastes, Surveillance and Analysis, the Cincinnati Lab, and the National Enforcement Investigation Center in Denver. This task force has continued to provide technical analysis as well as to serve as chief negotiators with the State and Salsbury Laboratory.

RESULTS OR CONCLUSIONS

The Salsbury Laboratory toxics disposal issue represents a complex environmental, technical, economic, and political problem. By including this issue in the Iowa FY 79 and 80 State/EPA Agreement, significant attention and progress have been made toward correcting past disposal problems. Numerous programs at the State and Regional Office level have worked over the past year to develop interim control measures that will hopefully go a long way toward rectifying this problem.

Case Study Integrated Approach to the Disposal of Pesticide Containers

REGION: VIII
STATE: North Dakota
REASON FOR INCLUSION: Integration

FACTS

The SEA process prompted the State Department of Health and the State Department of Agriculture to make a joint commitment to resolve the problem of disposing of pesticide containers. In the past, the Department of Agriculture and the Department of Health have discussed alternative approaches for the disposal of pesticide containers, but nothing concrete resulted from these sessions. During the process of developing the SEA the two agencies' dialogue changed from a discussion of problems to commitment of actual resources to address the problem. As a first step to develop an integrated program, the Department of Agriculture agreed to conduct a training class for applicators as to proper use and disposal of pesticide containers. The Department of Health, Division of Solid Waste Management (as listed in the SEA) committed resources to identify landfill sites in the State that could accept limited quantities of hazardous waste and certify those sites deemed acceptable.

In the meantime, a State technical advisory committee comprised of professors from the North Dakota University Cooperative Extension Service and representatives from the North Dakota State Department of Agriculture was formed in June 1979. This committee is trying to develop a long-term policy to address the pesticide container problem in the State. This system or policy would allow for the proper disposal of empty containers and/or encourage recycling and reuse of the containers.

RESULTS OR CONCLUSIONS

The SEA process prompted the State Department of Agriculture and the State Department of Health to take steps to address the pesticide container disposal problem. The State of North Dakota hopes development of an integrated strategy (through joint cooperation of both State agencies and the newly established committee) will resolve the disposal problem.

Case Study Program Management Integration

REGION: VIII
STATE: Montana
REASON FOR INCLUSION: Program Management Integration.

FACTS

A special task force was organized jointly by the Environmental Services Division, State Department of Health and Environmental Services (DHES), Environmental Management Division, State Department of Agriculture (DOA); and Montana EPA Region VIII Field Office to develop the State/EPA Agreement. Before the task force was organized these parties met only as necessary to resolve mutual problems. The group consisted of the following high and middle level management personnel: the EPA SEA Regional Coordinator; the State SEA Coordinator; Division Chiefs and Program Director from each bureau of the Environmental Services Division (DHES); the Environmental Management Division (DOA); and a representative from the Executive Branch, Lt. Governor's Office. A representative from the Environmental Services Division (DHES) and the Montana EPA Field Office served as staff to the task force. The task force also served as a forum for States to discuss issues and problems. The State hopes this group will continue to act as a creative sounding board for the State agencies.

The task force's principal responsibility was to determine the content and format of the Agreement. To accomplish this goal the group scheduled meetings twice a month for a five month period (March-July). The specific policy issues and work items to be addressed at each session were set at the first meeting. The following is a list of issues and work items discussed at these meetings:

1. EPA Headquarters Guidance
2. State Priorities
3. Negotiations of State and EPA Priorities
4. Work Plans
5. Integrated Work Plans and Draft Agreements
6. Printing and Distribution of Draft Agreements
7. Public Meetings
8. Conclusions and Agreements
9. Conclusions and Comments on Agreements and Process
10. Signed Agreements

The regularity of the meetings facilitated interdepartmental coordination and also provided a forum for the participants to address problems and issues across program areas. For example, during one meeting several divisions within the Department of Health raised concerns over the manner in which the Division of Legal Services within the Department of Health expended funds. Previously each division contributed a percentage of its grant funds to the legal services budget. These divisions felt that there was little if any evidence that their contribution was being used to investigate and prosecute cases. As a result of these meetings the procedure for appropriating funds for the legal services division was changed. Under the new system, the legal services budget would no longer be keyed to grant funds. Instead each program would identify funds that should be allocated for specific work activities for the legal services division.

RESULTS OR CONCLUSIONS

Organization of the task force resulted in (1) improved interdepartmental coordination and (2) a forum for the State to discuss integrated program strategy to address mutual problems.

Case Study California Toxics Agreement

REGION: IX
STATE: California
REASONS FOR INCLUSION: Integration, multi-agency State, EPA commitments.

FACTS

Five agencies have major environmental responsibilities in California. These are: Air Resources Board (ARB), State Water Resources Control Board (SWRCB); Solid Waste Management Board (SWMB); Department of Health Services (DOHS) (drinking water, hazardous waste); and Department of Food and Agriculture (pesticides). In the process of negotiating FY 1980 SEA priorities it became apparent that each of the involved agencies was concerned with toxics and, thus, it was agreed to develop an agreement covering toxics to which each of the involved agencies would be signatory. EPA took lead responsibility in developing the toxics agreement. The agreement identifies responsibilities but not resources.

Six sub-issues relating to toxics are addressed: planning coordination/ growth, residuals management, coordinated permitting, air mitigation, hazardous materials, and public participation. For each of these cross-cutting issues the toxics agreement briefly defines the problem. For example, the section on coordinated permitting identifies the fact that many State and Federal agencies have mandatory permitting procedures for new facilities or significant expansion of existing facilities which provide for the treatment and disposal of toxic wastes. Of concern is the possible duplication and overlap of permitting processes.

After identifying the crosscutting issues the agreement provides intermedia toxics management examples. These demonstrate the linkages and relationships among the media programs of air, water and solid waste. Specific examples in the agreement are sludge management and groundwater. Sludge management involves the relationship between pollution control requirements and population growth. In California groundwater management involves several agencies with monitoring responsibilities which are identified in the Toxics SEA.

The Toxics SEA identifies the State agencies and EPA programs involved with toxics management and then identifies 23 actions which will be taken. Examples of such actions include:

- SWRCB will reconsider acceptance of Underground Injection Control program study and evaluation.

- SWRCB, Department of Health Services (DOHS) and SWMB will complete their Memorandum of Understanding which establishes a cooperative inter-agency solid and hazardous waste control program. ARB will review the MOU and consider entering into the Agreement.

- EPA will finalize procedures for its consolidated permitting regulations and work with State agencies to assure EPA involvement with State in early stages of permit application review.

- SWBM/DOHS/SWRCB/ARB/EPA will evaluate recommendations of existing sludge management studies in terms of exploring new alternatives for solids management and disposal.

- SWRCB/DOHS/SWWB/Regional Water Quality Control Boards, (RWQCB) in conjunction with Regional Planning Agencies, will work together for future site development.

- SWRCB/RWQCBs will work with DOHS in abandoned site identification by making necessary records, documents and files available.

- The California Department of Food and Agriculture/SWRCB/DOHS will jointly initiate work on developing a ground water monitoring and enforcement strategy.

- EPA will finalize and publish its air carcinogens policy. ARB will review such policy, which will be reflected in the SEA.

- ARB/SWWB/DOSH/SWRCB/Air Pollution Control Districts will continue to work to develop a policy that will encourage the implementation of waste-to-energy facilities while addressing the air quality concerns.

CONCLUSIONS

In its Toxics SEA California has taken an important first step toward addressing environmental programs in a multi-agency setting in an integrated manner. While political realities prevented addressing resource needs in this agreement, the SEA still serves an important function by identifying how the authorities of each agency will be utilized to solve a cross-cutting problem.

Case Study Regional Urban Initiatives, Boise, Idaho

REGION: X
STATE: Idaho
REASON FOR INCLUSION: Regional urban initiative; role of areawides; integrated environmental assessment

FACTS

Region X has a Regional Urban Initiative Program under which EPA and the major urban areas within the Region sign "RA/Mayor" agreements. These agreements place responsibility on the local government to address environmental problems in an integrated manner. The City and EPA select a person from EPA's staff, pursuant to the Interagency Personnel Act, to serve as environmental coordinator. The purpose of the agreements is to:

- Improve EPA/municipal understanding
- Build a new partnership among various levels of government, the private sector and neighborhood and volunteer groups in seeking solution to specific urban environmental problems.
- Create more liveable, healthful and economically viable urban environments.
- Tackle city-specific environmental problems.
- Coordinate EPA funded programs to avoid inter-program conflicts within EPA and other Federal agencies.

One of the cities with an ongoing urban initiative is Boise, Idaho. While the announcement of the Boise project predated the SEA, it is now an integral part of the SEA. (Refer to the Idaho integrated multimedia strategy case study). Boise is part of a two county designated 208 planning area. To determine the extent and nature of environmental problems in the Boise/Ada County area an integrated environmental assessment was performed, with EPA's assistance. Data was gathered regarding all environmental problems and was evaluated in order to establish priorities. These priorities are reflected in the multi-media strategy in the FY 80 Idaho SEA, where Boise is identified as a top priority area.

Once the integrated assessment was completed, it was determined that solutions must be developed in an integrated manner so that the solution to one problem would not exacerbate another problem. For example, a decision is needed regarding the replacement of septic systems, which are polluting groundwater, with a centralized sewer system. Such a centralized system would affect growth patterns, leading to increased automobile traffic in an area with existing severe automobile related air quality problems.

The Idaho integrated multi-media strategy in the FY 80 SEA identified the following major problems in the Boise area, based on the integrated assessment.

1. Carbon monoxide standard violations.

2. Effluent from septic tanks degrading ground water southwest of Boise and inadequate treatment of domestic waste discharged to the Boise River.

3. Solid waste disposal site filling within next 2-3 years.

4. Stormwater runoff creating water quality problems, flooding and serious erosion in foothills and in new developments.

The strategy will address programs to achieve the following goals:

1. Reduce carbon monoxide concentrations to 9 mg/l.

2. Implement Sewage Management Program for Ada County, including upgrading three sewage treatment plants.

3. Implement stormwater runoff and erosion control program.

4. Develop alternate sanitary landfill.

5. Develop integrated Continuing Planning Process.

CONCLUSIONS

1. EPA is developing an integrated Environmental Impact Statement under agreement among the Idaho Department of Health and Welfare, EPA, and the Ada Planning Association.

2. The SEA has identified the solution of environmental problems in the Boise area as a top priority, thus assuring that the areawide planning effort is integrated with State priorities and is eligible for adequate funding under relevant EPA grant programs.

Case Study Idaho Multi-Media Strategy

REGION: X
STATE: Idaho
REASON FOR INCLUSION: Integration

FACTS

Idaho recognized, as the SEA process unfolded, that there were certain environmental problems which could not be addressed in a vacuum, and that often the solution to one problem may aggravate another problem. To ensure that selected abatement programs for different problems were compatible, it was necessary to approach problems in an integrated manner. The vehicle for this was the integrated multi-media strategy.

Criteria were established to determine which were the high priority multi-media problems to be addressed in the SEA. The criteria are:

- Presence of toxic wastes.
- Air Quality Standards violations.
- Surface Water Quality Standards violations.
- Drinking Water Quality Standards violations.
- Degradation of important aquifers.
- Interrelated environmental problems.
- High density urban population.
- High population growth rate.

Selection of specific areas or interrelated problems depended on how many of these situations were involved.

The integrated strategy is divided into two sections - one addresses specific urban areas including their environmental problems and goals. The other section identifies major intermedia problems on a statewide basis.

Specific priorities identified in the multi-media strategy include:

A. Urban Areas

Ada County - Priority 1

See case study on Regional Urban Initiatives - Boise, Idaho for a discussion of interrelated urban problems, including waste treatment needs, groundwater degradation, solid waste disposal needs and air quality problems.

Kootenai County - Priority 2

Kootenai County is a rapidly growing area on the Rathdrum Prairie in northern Idaho. It is located on the Rathdrum Aquifer, a designated sole source aquifer (1978) which provides drinking water for Spokane, Washington. Environmental problems result from rapid unorganized growth due to lack of proper land use controls. On-site disposal systems are polluting the aquifer and several communities lack collection and treatment systems. Air pollution resulting from rapid growth and inadequate mass transit systems is also a problem. The Coeur d' Alene sewage treatment plant needs upgrading because of increased growth. Also, more sites are needed for solid waste disposal and improved drinking water systems are needed. The integrated strategy identifies the major environmental problems in the area and establishes a series of goals. Specific outputs are identified in the media work plans. Major problems include:

1. Septic tank effluent polluting the Rathdrum Aquifer.

2. Inadequate septic sludge disposal polluting surface water and Rathdrum Aquifer.

3. Carbon Monoxide emissions from automobiles contributing to Spokane, Washington CO violations.

4. Inadequate toxic waste disposal program over Rathdrum Aquifer.

5. Toxic chemicals stored over aquifer potentially polluting Rathdrum Aquifer.

6. Inadequate waste treatment in several places.

7. Lack of coordination of ground water monitoring.

8. Control of urban runoff.

Goals of the integrated strategy for Kootenai County are:

1. Adequate treatment of domestic wastes for residents over aquifer.

2. Develop an aquifer wide sludge disposal program.

3. Reduce CO emissions.

4. Develop toxic waste disposal and storage regulations.

5. Adequate urban runoff controls.

6. Continue ground water monitoring program.

B. Statewide

- Sludge Management - Priority 1

  Goal: Sludge disposal in a manner that does not pose a problem to ground or surface water quality or the public health.

- Surface and Ground Water Pollution from Pits, Ponds and Lagoons - Priority 1

  Goal: To eliminate seepage from pits, ponds and lagoons.

- Toxic Wastes

  Goal: Statewide Toxics Management Program addressing disposal, storage, and use of toxic containers.

- Population Projections

  Goal: Develop 20-year population projections.

- Monitoring

  Goal: Integrate all monitoring activities.

Conclusions

The Idaho integrated multi-media strategy provided a forum for identifying priority problems affecting more than one medium.

Case Study Texas Format

REGION: VI
STATE: Texas
REASON FOR INCLUSION: Format

FACTS

The FY 1980 Texas State/EPA Agreement is divided into three parts: I. Purpose and Scope; II. Problems and Goals; and III. Summary of Agency Responsibilities and Activities by Federal Acts Under Which They Are Required. The detailed work programs are appendices. Part II, Problems and Goals is presented in a matrix format which shows what the problem and goal is and which EPA funded programs (Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA), and Safe Drinking Water Act (SDWA) conduct activities relevant to the problem. The matrix also shows, through color coding, which State agency is responsible for the identified activity.

For example, one identified problem is the potential threat to health and environment posed by hazardous waste. The goal for FY 80 is to strengthen the operation of the State Hazardous Waste Management Program and conform it to the requirements of the Federal Act. Under the Clean Water Act the matrix, in blue denoting the Texas Department of Water Resources (TDWR), identifies a section 208 activity as conducting a coordinated program to verify suspected problems due to agricultural/silvicultural problems and assessing an agricultural/silvicultural control strategy. Under the RCRA heading, also blue denoting TDWR, section 3011 activity is to implement the hazardous waste management program. Under the SDWA, the matrix codes section 1443(a) in yellow (Texas Department of Health) and describes an activity involving coordination with lead agency regarding transportation routes, storage locations, and disposal procedures to devise means which will minimize effects on public water systems. For section 1443(b) of SDWA, the activity is the development of a program to control Class I wells and a phase out of Class IV wells. Responsibility for this activity is designated in blue as the TDWR.

CONCLUSION

The Texas format provides a clear, concise means of displaying the activities which will occur during FY 1980 to solve the priority problems identified in the SEA. At one glance, it is possible to tell what will be done, the program source of EPA funds, and which State agency will perform the activity.

See pages 14 and 15 of this Handbook for sample formats. One is a format for multi-year strategies and the other is for Documentation of Activities and Resources to Meet SEA Objectives.

Case Study Maine Public Participation

REGION: I
STATE: Maine
REASON FOR INCLUSION: Public Participation

FACTS

The Maine public participation program for its FY 1980 State/EPA Agreement was particularly successful. A workshop was held in August, 1979 which had 100 attendees representing industry, public interest groups, news media (print and electronic), government agencies, the Office of the Governor and the legislature. About 30 percent of the attendees were not affiliated with a specific formal organization. The discussions were broken into three groups: air, land, and water. Prior to the meeting there was substantial publicity and the news media followed up the workshop with excellent coverage.

The FY 1980 SEA identifies public participation as a priority issue. The workplan sets forth a consolidated, coordinated public participation mechanism covering all programs and activities of the Department of Environmental Protection. Specifically, beginning in October 1979, DEP will sponsor "Environmental Fairs" through local organizations in various locations. The format will consist of 2-4 hour sessions with informal "topic tables" staffed with resource persons from DEP and EPA. Participants will be encouraged to "table hop" and express their views on environmental problems. Their comments will be recorded for agency response and for development of FY 80 SEA issues.

By February 1980, Region I and DEP will agree on the scope of the FY 81 SEA for the purpose of focusing public participation. Subsequent Environmental Fairs will include an SEA table. By April 1, 1980, DEP will establish a mid-June date for an all day SEA workshop to focus on the scope of the FY 81 SEA and public comments from Environmental Fairs held to date. In mid-June the workshop will be held. The draft SEA is scheduled for July 15, 1980, and a public hearing will be held in mid-August 1980.

DEP will submit funding requests for public participation under the grant programs in the Clean Water Act, Clean Air Act, and Resource Conservation and Recovery Act. Funding under the Safe Drinking Water Act will be explored with the Department of Human Services which has SDWA responsibility in Maine. The requested funding level will support six work years of DEP staff, three of which will be new. An additional five work years is designated for program guidance and support. The State will provide a project manager and two staff support people.

CONCLUSIONS

Based on the success of the public participation effort for the FY 1980 SEA, Maine has developed a plan to take the process further for the FY 81 SEA by introducing public participation early in the problem identification/priority setting process. The substantial commitment of the Maine DEP has obviously contributed to the success of the public involvement effort.

Case Study New Jersey Public Participation

REGION: II
STATE: New Jersey
REASON FOR INCLUSION: Public Participation

FACTS

A unique and important component of the successful public participation program during the development of the FY 80 New Jersey State/EPA Agreement (SEA) involved the concept of "networking" through existing organizations and their constituencies. A $7000 EPA water planning division grant to the Association of New Jersey Environmental Commissions (ANJEC), which was originally intended to foster discussion of the draft statewide 208 plan, was redirected. ANJEC subcontracted with six other non-profit groups to work directly with their own special constituencies. The subcontractors (and their respective constituencies) included the League for Conservation Legislation (state legislators), N.J. Conservation Foundation (NJCF) labor and industry), Mid-Atlantic Council of Watershed Associations (208 advisory committees), N.J. Public Interest Research Group (realtors and builders), the Soil Conservation Society (agriculture) and the Youth Environmental Society (YES) (academic community). ANJEC itself worked with local officials, elected and appointed. Planning was completed in the Fall, and activities continued from December through May. Workshops and meetings were scheduled in preparation for statewide meetings on the State/EPA Agreement which were custom-tailored to the special requirements of each constituency. Often sessions were aimed at the leadership of the constituency in question to take advantage of the multiple effect. NJCF sponsored a breafast meeting for business leaders in Newark. YES co-sponsored a series of on-campus workshops with universities around the State. Materials and briefings focused on concerns unique to the academic community: SEA as a one-of-a-kind curriculum resource and critical determinant of future employment for students now in the universities. The activities usually involved EPA and State SEA staff as resource people.

This networking complimented and enhanced an overall public participation program which also involved special meetings with all the designated 208 agencies and an initial statewide concepts meeting with the general public in the Fall. The statewide N.J. EPA Advisory Group consisting of the leadership of the State's key environmental groups devoted several sessions to the SEA. Following their recommendation, the Coastal Zone Management Program was made a part of the SEA. A Spring public meeting on the draft SEA was very successful due largely to its informal, small discussion group format and to the focus given by the funded network groups and their constituencies. Keeping the draft SEA, which was sent directly to a mailing list of over 200 individuals, from being too polished, greatly encouraged public comment both during the meeting and during the following two week period for which the "record" was left open.

CONCLUSION

It often seems impossible to interest the public in the SEA process. Yet in New Jersey, a small investment provided a targetted public participation program actively engaging all the key interests. As a result, participation and input were increased and sharpened appreciably for all activities conducted as part of the general public participation program.

Case Study Regional Initiative in Contacting Key State Legislators

REGION: III
REASON FOR INCLUSION: Public involvement.

FACTS

A major step in the SEA process in Region III was for the Regional Administrator to meet with the Governor and key legislators of each State early in the legislative process to get their concurrence with the SEA concept. The purpose of each State's session was to introduce legislators to the SEA process and to solicit their support to ensure implementation of their Agreement. Another intention of the meeting was to identify any problems between EPA and the State.

Region III's Office of Intergovernmental Relations and Public Awareness (OIRPA) had major responsibility for completing the SEA process. A program officer was assigned responsibility for development of the SEA for a State or States.

The process to involve the Governor and key legislators early in the SEA process included the following steps:

(1) The OIRPA Program Officer mailed a letter to the Governor and key legislators of each State introducing the SEA concept and offering to meet with interested parties to explain the SEA process. The initial contact with the appropriate parties occurred approximately one month before the legislatures convened. No response was received from the mailing.

(2) OIPRA Program Officers recontacted key legislators' staff by phone to set up the meeting(s).

(3) The RA and OIPRA Program Officer conducted one day briefings in each State on SEA process and overall environmental programs with the Governor, key legislators and State Agency Directors.

(4) In some cases a follow-up visit to the Regional Office was made by the legislators and their staff.

(5) The Regional Administrator and the responsible Program Officer, in coordination with State Agency Directors, testified at key legislative hearings.

Some State Agencies were reluctant to allow the EPA Regional Office to be involved in their legislative affairs. They were concerned about what would be said and how Regional involvement would affect legislators' attitudes towards their policy. The Region, being aware of the State concerns, took great pains to be sensitive to local politics and work closely with the State Agencies.

RESULTS OR CONCLUSIONS

Early initiatives by Region III to involve key State legislators (1) resulted in better understanding of environmental programs by legislators; (2) averted severe budget cuts for environmental programs, (3) encouraged State agencies to make commitments to EPA given the knowledge their legislators were aware and supported their activities, and (4) established a network of key legislators and regional contacts.

Case Study Public Participation

REGION: III
STATE: West Virginia
REASON FOR INCLUSION: Public Participation

FACTS

West Virginia's public input was sought in the beginning of the development of the West Virginia/EPA Agreement. It was recognized by both State and Federal agencies that in order to formulate a meaningful Agreement, the public's opinions on major environmental problems were needed.

Water quality questionnaires, developed by the Water Resources Division's public information office, were distributed at two public meetings held in April to gather input for the development of the Agreement. The meetings were held April 2 and 3 in Morgantown and Charleston. The completed forms were compiled and the responses pointed out what those members of the public considered major water quality issues.

Notices of the meetings were published as legal advertisements in 12 State newspapers (two in Charleston and the others in each of the 10 Planning and Development Council regions). News releases were mailed to more than 100 State newspapers and broadcast media. In addition, an article and calendar note were published in Mainstream, the Division of Water Resources' newsletter. Fact sheets and notices of the meetings were mailed to those on the newsletter mailing list identified as key contacts for environmental notices.

Once the Draft Agreement was completed, a public hearing was scheduled for presentation of the Agreement and receipt of formal comments. Notices of the hearing were published as legal advertisements in the same newspapers identified above.

Copies of the Draft Agreement were sent by EPA to each of the Water Resources Division's district offices and any person(s) requesting a copy for review. A news release publicizing the public hearing was mailed to all the State's daily newspapers.

Thirty-one people attended the hearing in Charleston. A recording of the hearing is available for public review at the Division of Water Resources public information office, 1201 Greenbrier Street, Charleston. No written comments were received during the 10-day comment period following the September 10, 1979, public hearing.

RESULTS OR CONCLUSIONS

In developing West Virginia's SEA, public input was sought at the beginning of the process during two public meetings held in April. The water quality questionnaire which was distributed at these two public meetings was used to identify water-related issues and incorporate those concerns into the SEA during it's early development.

Efforts to involve the public in the initial stages of the SEAs development through the use of questionnaire and meetings allowed for more effective citizen participation.

Case Study Arkansas Public Participation

REGION: VI
STATE: Arkansas
REASON FOR INCLUSION: Public participation.

FACTS

Arkansas

The Arkansas Department of Pollution Control and Ecology mailed out a Statewide environmental needs/issues survey on May 31-June 1, 1979. The public questionnaire was sent to over 7,000 persons and organizations representing a wide range of interests. The survey package included: 1) a description of the SEA process, 2) a request for public comment on environmental concerns and issues, 3) a sample of the types of issues to be considered, and 4) an addressed envelope and return sheet to fill out and send back. Over 500 responses were received and a letter containing the results of the survey was sent to all respondents. A newspaper and television station with statewide coverage ran information gathered through the public survey.

During this period, the Department also solicited public comments in regularly scheduled meetings of several public advisory committees. These meetings were well attended and proved to be helpful in identifying several issues of concern to the public. A public meeting on the final draft SEA was poorly attended. This is in contrast to public meetings on draft program work plans in the State which are usually well attended. It was felt by those who set up the public meeting that the public had already given its input and was not adequately informed as to the difference between the SEA and annual program workplans.

Arkansas/EPA Agreement

EPA staff met with the State to agree upon regional and State issues addressed in the SEA. The very framework of the SEA is based upon the public's many comments and suggestions. The SEA is predicated upon adressing the 10 primary issues identified by the public along with the existing program commitments and requirements.

During March/April 1980, the public will be contacted concerning the progress of implementation of the SEA. A checklist format will be used which will ask the public to check on good-poor basis the progress in implementing various elements in the SEA.

CONCLUSION

Arkansas and Region VI actively sought public involvement during the priority selection process. Because of this early involvement the SEA was responsive to the issues about which the public was most concerned.

Case Study Creation of an Advisory Committee to Input Early in the Development of the SEA

REGION: VIII
STATE: Colorado
REASON FOR INCLUSION: Public participation.

FACTS

A special advisory committee was established to input into the development of the FY 80 SEA. The committee was drawn largely from membership of the 208 Policy Advisory Group with additional representation from the Air Pollution Control Commission and the solid and hazardous waste advisory committee. The State/EPA Agreement Advisory Committee provided an initial opportunity for limited public review of environmental problems in a more integrated manner than previously existed.

During FY 80 the advisory committee intends to advise the Office of Health Protection on how the roles of local and regional entities in environmental management can best be incorporated into the Agreement. This means the SEA would be expanded to include discussion of on-going environmental programs, regardless of the funding sources. The schedule for developing the FY 81 Agreement will, at an earlier date, more actively involve the Air and Water Commissions and advisory groups in the priority setting process.

CONCLUSION

The establishment of the State/EPA Agreement Advisory Committee was an initial effort by Colorado to incorporate meaningful public participation in the definition of program priorities in the FY 80 Agreement.

National Program Priorities for Negotiation State/EPA Agreements

EPA's Operating Year Guidance for FY 1981 includes national priorities for State/EPA Agreement negotiations as well as State grant priorities. This addition recognizes (1) the emerging importance of the State/EPA Agreements as a top level management tool and (2) the strong relationship between SEA priorities and State program grants. In their list of goals and priorities for FY 1981, EPA's Administrator and Deputy Administrator request that high priority be given to developing realistic, priority-oriented Agreements.*

The following sections have been excerpted from EPA's Operating Year Guidance for FY 1981 and include the EPA Assistant Administrators' priorities for State/EPA Agreements and for State program grants. These priorities should be used by the Regions to help guide the negotiation of the FY 1981 SEAs. It is recognized that most of the Agreements may focus on a limited number of priorities and that many of the following SEA program priorities will be accommodated in the more detailed grant work plans. As discussed earlier, the grant applications and work plans should support the priorities indicated in the State/EPA Agreement.

For further information on EPA program direction, please refer to EPA's Operating Year Guidance for FY 1981.

*See Appendix II.

OFFICE OF AIR, NOISE AND RADIATION

David G. Hawkins, Assistant Administrator for the Office of Air, Noise and Radiation, views the SEA as an appropriate vehicle for strengthening EPA's working partnership with State and local governments to achieve national environmental goals. In his overview statement in the EPA Operating Year Guidance for FY 1981, he states that "The agreements provide an opportunity to jointly plan programs to address environmental problems and for EPA to be responsive to State concerns and priorities just as we expect them to be responsive to ours."

THE AIR PROGRAM

State/EPA Agreement Priorities

- State assumption and implementation of new source review programs, including PSD through an approved SIP or acceptance of delegations.

- State implementation of I/M programs. Agreements should define areas when major EPA assistance and/or technical support for the development of the regulatory program will be necessary.

- Submittal of fully approvable SIPs.

- Commitments to provide quality data bases for making key decisions for the 1982 ozone SIP. Population projections should coincide with those developed in accordance with the construction grants program cost effectiveness guidelines.

- Development and implementation of a fully effective NAMS network meeting all EPA regulatory requirements on instrumentation, monitor siting and quality assurance.

- Overview and coordination, including MPO liaison, of the development of necessary transportation control measures within the urban nonattainment areas for inclusion in the attainment SIPs.

State Grant Priorities

Regional Offices must assure that the decisions resulting from State/EPA Agreements are adequately provided for in grant applications and awards. Additional priorities which should be covered in the grants are:

- Meeting schedules and commitments contained in the 1979 attainment SIPS including: development and implementation of I/M; enactment of VOC regulations; completion of assessment studies for specific TSP nonattainment areas; development of nontraditional controls; and completion of attainment demonstration analyses.

- Implementing the requirements of the air monitoring regulations includes establishment, operation and quality assurance of SLAMS network; annual review of the SLAMS network; validation and timely reporting of SLAMS and NEDs data; review of source operated ambient network; daily reporting of air quality in urban areas; development of plans for the ambient lead network; and responding to air emergencies.

THE NOISE PROGRAM

State/EPA Agreement Priorities

- Encourage the assumption by States of the responsibility for providing technical assistance to local programs, especially where EPA has provided financial assistance.

State Grant Priorities

- In making noise cooperative agreement awards, priority should be given to State programs over local programs where the State is willing to assume technical assistance responsibility. Cooperative agreements must include specific outputs.

THE RADIATION PROGRAM

State/EPA Agreement Priorities

- The Radiation Program's primary objective for interaction with the States must be the review and testing of emergency response plans. While review of emergency response plans is important, regular testing is essential to their effectiveness in times of emergency. The State/EPA Agreement should address this need and detail the EPA role.

OFFICE OF WATER AND WASTE MANAGEMENT

The Office of Water and Waste Management views the State/EPA Agreement process as an important tool for program integration and management. Assistant Administrator, Eckardt C. Beck, states that for FY 1981, a first order priority must be improved program management, both within the Agency and at the State level. At the Headquarters level, we must focus on the integration of water quality, drinking water, and solid waste programs. Headquarters and Regions must focus on improved management of program delegations and grant awards. The State/EPA Agreement (SEA) obviously provides the framework through which such improved management should be accomplished. Further, he stresses the need to develop and implement management information and evaluation systems in all Regions to track State and EPA performance and to determine the effectiveness of the SEA as a management tool.

THE WATER QUALITY PROGRAM

State/EPA Agreement Priorities

- 205(g) Delegation: Where States have already signed delegation agreements, the SEA should reference timetables established in the Agreement, Regional Office oversight functions, and State/EPA management and monitoring procedures for delegated responsibilities. For States expected to sign delegation agreements during FY 1981, the SEA should contain information on the scope of the agreements as well as a schedule of negotiation and assumption. For States not expected to sign delegation agreements, the SEA should reference individual work programs which identify responsible Agencies, to avoid the duplication of reviews between EPA and the States.

- Emergency Response: State should develop contingency plan to deal with oil and chemical spills, as well as multi-media, multi-pollutant emergencies, and the development of a spill prevention program.

- Pretreatment: Identify municipalities requiring pretreatment programs and identify steps to ensure that pretreatment programs are developed in accordance with established timetables. Coordinate pretreatment program with industrial sludge disposal program.

- Monitoring and Data Management: Work toward full basic water monitoring program with special emphasis on toxics. Coordinate various assessment reports - SIA, open dump, etc. Perform water quality analyses as needed to develop geographic controls for toxic hot spots.

- Water Quality Standards: States should review and revise water quality standards as appropriate, with increased consideration of toxics criteria.

- Wasteload Allocation (WLAs): If 201 or 205(g) funds are to be used for WLAs, the SEA should include a priority list of needed wasteload allocation studies with highest priority assigned to projects that require further water quality analysis as a result of AWT reviews.

- Nonpoint Sources: States should identify priority nonpoint source problems and approaches for solution. National priorities are urban runoff, agriculture, and ground water. Nonpoint source planning should be coordinated with point source, clean lakes, ground water projects and RCRA programs wherever possible.

Grant Priorities

Regional Offices should assure that the decisions resulting from State/EPA Agreements are supported in grant applications and awards. Additionally grant funds should be used as follows:

- 208 Funds: Direct monies toward implementable nonpoint source problems as identified in the WQM plan. Paragraph 35.1533-3(b) of WQM regulations which denies 208 grant awards unless significant plan implementation is underway must be implemented. Projects should include fiscal management analyses so that technical solutions can be financed and implemented.

- 106 Funds: Improve grant management in terms of integration, accountability and attention to priorities. Identify funds released by 205(g) delegation.

THE DRINKING WATER PROGRAM

State/EPA Agreement Priorities

- Public Water System Program.

  -- Provide for implementation of requirements of regulations on trihalomethanes, uranium and radionuclides, and amendments to NIPDWR.

  -- Include compliance activities in primacy States, particularly monitoring, reporting, public notification, and follow-up of non-compliance.

-- Provide for implementation of small systems strategy.

-- Assure that State emergency response plan covers drinking water.

-- Develop program to assist communities in locating potential Federal and State funding sources for public water systems.

- Ground Water Protection

  -- Implement a coordinated ground water strategy which fosters delegation of the UIC and hazardous waste (RCRA) programs and consolidation of UIC, NPDES and hazardous wastes permitting systems.

  -- Develop specific plans for assumption of primacy for the underground injection control program.

  -- Implement a management information system which includes reporting and recordkeeping requirements for the UIC program.

Grant Priorities

Regional Offices should assure that the decisions resulting from State/EPA Agreements are supported in grant applications and awards. Additionally, grant funds should be used as follows:

- PWS: Encourage expansion of non-compliance follow-up activities and automation of compliance data (or other quality control mechanisms for data management).

- GWP: Assure that grant funds support only those activities directly related to assumption of primacy of UIC program. Also assure that activities are coordinated with ground water related programs such as RCRA and section 208 programs.

THE SOLID WASTE PROGRAM

State/EPA Agreement Priorities

- Begin implementation of EPA interim authorized hazardous waste programs. Give emphasis to establishing and operating a manifest system and to establishing permit priorities.

- States without interim authorization should support the Federal program and begin development of their own by refining statutory authority, providing increased resources, expanding surveillance and enforcement activities, and providing appropriate permit mechanisms.

- For their Subtitle D programs, States should evaluate disposal facilities for purposes of open dump inventory and submit names of dumps to EPA.

- States should implement Subtitle D Approved State Plans with emphasis on enforcement against open dumps, implementation of co-disposal or resource recovery strategies, and planning for solid and hazardous wastes treatment, storage and disposal facilties. A search for alternative funding sources, including a user fee system, should begin since Federal funding for these State programs will be phased out in FY 1984.

Grant Priorities

Regional Offices should assure that the decisions resulting from State/EPA Agreements are supported in grant applications. Additionally, grant funds should be used as follows:

- Hazardous Waste Grants

  -- For States that do not receive interim authorization in FY 1981, assure that the State works toward having adequate legislative authority; adequate regulations in effect; control over a substantial majority of hazardous wastes; the capacity to monitor and inspect; enforcement capabilities; adequate resources; and the ability to permit facilities.

  -- For States with interim authorization, assure that they operate interim authorized programs, and work toward full authorization. This will include having a program that is equivalent to the Federal program, consistent with the Federal program, and that has adequate enforcement for compliance with the Subtitle C requirements.

- Solid Waste Grants

  -- Assure that States continue to evaluate land disposal sites, and submit names to EPA for the open dump inventory. They should also begin to implement their State solid waste plans in FY 1981.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCE

The Pesticides and Toxic Substances programs under Assistant Administrator Steven D. Jellinek are basically centered in Headquarters with very little grant money for the States. Consequently, the Office of Pesticides and Toxic Substance (OPTS) did not provide a list of SEA negotiating priorities. The OPTS guidance does state, however, that the State/EPA Agreements should be reviewed to "ensure that toxic substances issues--particularly those requiring multi-media or inter-program coordination--are adequately addressed."

OFFICE OF ENFORCEMENT

The overview statement of the Office of Enforcement (OE) in the EPA Operating Year Guidance for FY 1981 states that Enforcement must become much more intimately involved in the State/EPA Agreement process in FY 1981." OE views it as essential that enforcement priorities be addressed in negotiating SEAs.

State/EPA Agreement Priorities

- As stated earlier, as a matter of policy, EPA regional personnel are encouraged to include enforcement priority objectives in their State/EPA Agreement process and discussions. An understanding of the respective roles in the areas of permitting and enforcement is often critical to maintaining effective working relationships with the States. This is particularly true in FY 1981 for such important activities as hazardous waste permitting and enforcement efforts, the Major Source Enforcement Program, section 120 non-compliance penalties under the Clean Air Act, pretreatment and energy permits.

Grant Priorities

- EPA Regional personnel should attempt to negotiate reasonable levels for level 1* priority enforcement objectives as part of the State grant process.

- Mobile Source Enforcement: In FY 1981, $2,000,000 in section 105 grant funds has been earmarked for State/local anti-tampering and anti-fuel switching enforcement programs. Regions should address mobile source enforcement concerns specifically related to tampering and fuel switching in the State/EPA Agreement and during the grant negotiations to require reasonable levels of enforcement activity by States.

*For details on Enforcement level 1 priorities, see EPA Operating Year Guidance for FY 81.

OFFICE OF PLANNING AND MANAGEMENT

William Drayton, Assistant Administrator for the Office of Planning and Managment, stresses the need for stronger State/EPA collaboration through the State/EPA Agreement process. He states that the Agreements "should induce joint planning and they should press decision making on major problems or opportunities up to the senior policy officials. This should make it easier to refocus programs as our needs change and to innovate and integrate."

State/EPA Agreement Priorities

- A firm, joint commitment to implement controlled trading defining a series of specific objectives for each State and providing in a number of cases for pilot experiments with banking and other new ideas in each Region.

- Streamlining and tracking permits for critical energy facilities.

- Agreeing to new program evaluation and accountability approaches.

Appendix

I. State/EPA Agreements - Policy for FY '81, signed by Douglas M. Costle, Administrator, EPA, February 28, 1980

II. Administrator and Deputy Administrator's Goals and Priorities for FY 1981

III. Report of the Committee on State/EPA Agreements (January 8, 1980)

IV. List of SEA Committee Members

V. EPA State/EPA Agreement Contacts List

VI. Map of Regional Offices

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 28 1980

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: State/EPA Agreements -- Policy for FY '81

TO: Assistant Administrators
The General Counsel
Regional Administrators

This will be the third year of the "new partnership" which has grown as a result of State/EPA Agreements. In the past two years, we have seen the Agreements grow from an idea into an ongoing process of consultation, negotiation, and cooperation between EPA and our State colleagues.

As with all partnerships, however, some things have worked better than others. Recognizing this, I set up a committee, with representatives from throughout the Agency, to make recommendations to me on the future scope, nature, and content of the Agreements.

I have now received the report of this committee. They have recommended, and I am approving, a number of changes which should make State/EPA Agreements more useful by focusing them on priority issues for top managers, encouraging their expansion to cover all our programs, and relating them more consistently to grant work plans.

FOCUS ON TOP MANAGEMENT

State/EPA Agreements have been especially useful because they give our managers an opportunity to direct and focus their efforts on solving priority environmental problems. We must make sure that this opportunity remains strong.

I expect our Regional Administrators to continue to make State/EPA Agreements a high personal priority. They should stay personally involved in negotiating the Agreements -- and make sure that States receive any help we can give to complete them. I further expect that State/EPA Agreements will focus on those issues which need top-level policy attention. This means that SEA's should be in a format which will be useful to top managers. The Agency Operating Year Guidance will contain a more detailed set of procedures for developing 1981 State/EPA Agreements.

INCLUSION OF ALL EPA PROGRAMS

For FY 81 and beyond it is EPA policy that all EPA programs be considered for negotiation in SEA's. State/EPA Agreements must again cover our grant programs under the Clean Water Act, the Resource Conservation and Recovery Act, and the Safe Drinking Water Act. In addition, I want to strongly encourage States to include Air and other EPA programs in their State/EPA Agreements. It is more meaningful to talk about "priorities" for joint EPA and State action if we address our total environmental effort. Where possible, States and EPA should "integrate" activities which can help solve pressing environmental problems--problems which do not respect the boundary lines of our legislation or programs.

STATE/EPA AGREEMENTS AND PROGRAM GRANTS

Once we select our priority problems, we need to make sure that the steps we've planned together actually occur. We can do this by using the State/EPA Agreement priorities and policy level commitments to "drive" our grant negotiations, and by tracking how well we're doing together in meeting the commitments which we make to each other in the Agreements.

We are asking that this year's Agreements include a section showing how specific grant activities contribute to achieving State/EPA priorities. This will help us meet both our management and coordination goals by making sure that grant awards and cooperative agreements provide the resources needed to meet State/EPA Agreement commitments. Since State/EPA Agreements should focus only on certain key problems, grant work plans will of necessity cover a wider range of State/EPA program activities. The SEA commitments, however, must retain a high visibility for top managers.

STATE/EPA AGREEMENTS AND NATIONAL PRIORITIES

No subject is more sensitive with States than whether State/EPA Agreements are just another "vehicle" for imposing EPA's requirements on the States. This is not my view of the Agreements. To me, they should be the result of a true negotiation between the States and our Regional offices. Commitments which come out of these negotiations should not be commitments for the States only. EPA must be willing to state, in specific terms, what we will do to help achieve an Agreement's objectives.

The Agency Guidance contains the priorities which we, at the national level, believe are appropriate for State/EPA Agreements. We expect that States will bring their own set of priorities to State/EPA Agreement negotiations. These negotiations should produce a mutually satisfactory understanding of what each State's Agreement will contain. We recognize that State and Regional differences will cause Agreements to differ in certain respects from Region to Region and State to State. In a decentralized Agency, this is as it should be. I know from my experience as a State administrator that we cannot operate as if Regions and States were alike in every way. However, I would expect that the Agreements will, to the maximum extent possible, address problems which we have identified as national priorities.

* * * * *

We hope that Regions and States will make every effort to streamline the development of this year's State/EPA Agreements wherever possible -- reducing paperwork, cutting out unnecessary steps, and supporting the difficult tasks which top managers must perform in assessing and making choices. The mutual commitments which result from State/EPA negotiations will substantially affect how we deal with environmental problems in the coming fiscal year. All of us should follow these commitments with great personal interest.

Douglas M. Costle

Administrator and Deputy Administrator's Goals and Priorities for FY 1981

This Operating Year Guidance is intended to give EPA Headquarters and Regional Office managers a sense of the major Agency-wide and program-specific priorities that we and the Assistant Administrators have agreed to focus on during the remainder of FY 1980 and in FY 1981.

This Guidance is the first step of an integrated and improved management system. Headquarters and Regional managers should use it as a framework for developing FY 1981 operating plans and performance standards and for revising FY 1980 plans and performance standards. We then will evaluate individual and program performance based on these plans and standards. The Guidance should also be the basis for negotiating State/EPA Agreements.

Our statement highlights the priorities that cut across the Agency, requiring several programs to coordinate and integrate their efforts. The Assistant Administrators' statements identify specific program activities they want Headquarters and Regional offices to focus on. Although these activities are identified as Assistant Administrators' priorities, they reflect our priorities as well. We have reviewed each Assistant Administrator's statement carefully and discussed each item before including it in this document.

Each Assistant Administrator has designated two types of priority activities. Level 1 priorities are those which Headquarters or Regional offices must do and for which we will make resources available. Level 2 priorities are activities that are important, but which Headquarters and Regional staff may only be able to undertake on a limited basis because of limited resources.

AGENCY GOALS

In FY 1981, the broad goals of the Agency continue to be protecting public health and preserving sensitive ecosystems. These goals should be the focus of both the cross-cutting initiatives we highlight and of the priority activities in each of the Assistant Administrators' overviews.

The activities we want to emphasize follow. Although we focus on new priorities, we also want to emphasize the need to continue our efforts to foster public participation in our regulations development process, to integrate research activities with the rest of the Agency, and to support the Administration's urban initiative.

Energy

The Administration this year is stressing expanded energy production. In carrying out our responsibility to ensure that energy projects are environmentally sound, we must make certain that these projects come on line as soon as possible. Accordingly, we must quickly develop regulations governing new energy technologies and expedite permits for new energy facilities. A Management Task Force is working now to develop a strategy to expedite permitting.

We should also continue to support and promote clean and inexpensive energy alternatives, such as conservation and unconventional gas.

Integrated Toxics Strategy

Led by OPTS, the Agency will develop an integrated strategy to control toxics substances effectively. Our aim is to coordinate the toxics-related planning, research, information collection, regulatory, and enforcement efforts of all of EPA's program and staff offices to ensure that our resources are used most effectively.

Emergency Response

We must improve our ability to respond to emergencies caused by dangerous pollutants that threaten public health and the environment. In particular, we must improve coordination between EPA, other federal agencies, and the States; broaden the range of emergencies to which we can respond; and ensure the safety of our emergency personnel.

Data Collection and Information Management

The Agency must ensure that the data we collect are available, accessible, accurate and useful for making decisions and evaluating programs.

We have asked a committee of Deputy Assistant Administrators to provide Agency-wide direction for collecting data and developing information systems. Further, beginning now, every office must develop programs to ensure the quality of its data and must make sure that its data provide information that is necessary and useful. Each laboratory also must evaluate its performance.

We would also like the Regional Administrators to ensure that the measurements of toxic chemicals in the environment collected by their offices are placed in the Agency's data storage systems.

Acid Rain

We are very concerned about our lack of understanding of acid rain and the problems it causes. We have asked ORD and OAWR to explore the relationship between fine particulates, sulfates, nitrates, atmospheric loading, and acid rain, and to recommend a strategy for solving the problem. We may need to develop legislative initiatives to enable us to better grapple with the problem over the long term. However, on a short-term basis, we will need to evaluate strengthening our efforts under current legislation.

Regulatory Reform

We strongly support the Administration's commitment to regulatory reform, and will continue to explore innovative approaches to enforcing our rules. Getting our environmental job done more surely at lower cost and with less "hassle", while encouraging innovation, is important.

In FY 1980 and FY 1981, we must fully implement reforms we have already adopted, particularly the bubble concept and trading, banking and brokerage of offsets. We must also give high priority to simplifying, consolidating, and streamlining permit processes; to implementing our noncompliance penalty authority; and to developing and applying benefit measures and other analytic tools to further strengthen our regulatory decision-making.

Legislative Initiatives

We will continue to work for passage of Superfund and the Integrated Environmental Assistance Act this year. The proposed Superfund would provide the resources we need to

clean up hazardous waste sites and spills that are a threat to public health. The Integrated Environmental Assistance Act would allow State and local environmental agencies greater flexibility in using their grant funds to meet their environmental problems.

In addition, given the need to extend the Clean Air Act authorizations in 1981, we need to consider improvements which may be needed in the Act.

Building a Strong, Diverse Staff

In recruiting and developing staff we must continue our serious commitment to affirmative action. We have made significant strides in bringing minorities and women into top level management positions in the Agency. We must continue to press here in FY 1980 and FY 1981, but we must emphasize bringing minorities and women into middle level jobs as well.

Management Reform

Recent Civil Service reforms give government managers practical tools for defining clearly each employee's objectives, evaluating performance and rewarding superior work. We must finish implementing these reforms. Every Agency manager must take seriously the very substantial responsibility to implement this program.

This year we expect the Assistant Administrators to help strengthen our regulation development processes and products by directing their representatives on regulation work groups to explore alternatives, communicate important choices to senior managers, and build consensus. They should ensure that their Steering Committee member fully represents their views and contributes to the final regulatory decisions in every program area. We also expect the Regions to become more active participants in developing regulations, especially in considering the operational impacts on their resources of alternative regulatory approaches.

The need for close coordination among programs with overlapping interests is obvious, but we want to emphasize that we expect the AA's to set the tone for ensuring that their programs are, in fact, coordinating with others.

Program Evaluation

It is important that in setting priorities we later measure our effectiveness in implementing them. We have asked OPM to develop increased capability to conduct evaluations on specific issues or program areas. The current work on EPA delegations to

the States and the Pesticides program are examples of the approach we want OPM to take. We need to be the principal evaluators of our own programs. Therefore, we expect that the programs and OPM will tackle these evaluations aggressively and jointly--both in designing evaluations and in implementing recommendations.

Improve Relationships with State and Local Governments

In improving State and local relationships we will focus on bringing environmental programs closer together to ensure efficient management of scarce resources. Therefore we want the Regions to encourage all States, especially States with separate programs, to give high priority to consolidation of those programs through the State/EPA agreements.

Headquarters and Regional managers should give high priority to encouraging and developing realistic State/EPA Agreements (SEA's) in which both EPA and the States commit to specific activities.

This joint planning process will improve State-EPA relations and help both parties do a better job. Each of the Assistant Administrators' overviews contains SEA priorities. In addition, a separate section conveying my guidance on SEA's is included at the end of this document.

The Agency also needs to encourage delegation of programs. We need to lay out more clearly EPA and State roles in delegated programs. Doing so will improve both accountability and performance.

* * * * *

We want to emphasize that we personally have spent a lot of time developing and reviewing this year's guidance. We urge you to carefully consider the priorities it sets forth and incorporate them into your State/EPA Agreements and grants with the States, your operating plans, and your performance standards. These are the priorities against which we will measure both individual and program preformance.

FEB 1980

/s/

Douglas M. Costle
Administrator

FEB 1980

/s/

Barbara Blum
Deputy Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PLANNING AND MANAGEMENT

JAN 8

MEMORANDUM

SUBJECT: Report of the Committee on State/EPA Agreements

FROM : Saul Rosoff SRR
Associate Assistant Administrator for Management Reform

THROUGH: C. William Carter
Acting Assistant Administrator for Planning and Management

TO : THE ADMINISTRATOR

The Committee on State/EPA Agreements, which you established in your memorandum of November 9, has met to consider and make recommendations on "the scope, nature, and content of the Agreements" as you requested. Our meetings have been fruitful, with good cooperation and helpful suggestions from all participants.

We would like for you to review the recommendations in this memorandum and let us know if they meet with your approval or give us an indication of changes which you might desire. Similarly, we need your approval or suggestions for changes in the draft policy statement. (Attachment A).

SUMMARY RECOMMENDATIONS

- State/EPA Agreements are key management tools which top managers in both EPA and the States can use to focus attention on priority activities and problems. They are a mechanism for maximizing the use of available resources. EPA Headquarters and Regional managers both have important roles in the SEA process.

- Because the concerns of top managers cross program boundaries, it is EPA policy for FY 81 and beyond that issues and problems both within and across all EPA programs should be candidates for coverage in

State/EPA Agreements. State and Regional differences will cause Agreements to differ in certain respects from Region to Region and State to State, taking into account existing requirements and grant regulations.

- The negotiation of State/EPA Agreements should continue to be a top-level, personal priority of EPA's Regional Administrators.

- You and the Assistant Administrators should use the Agency Guidance and personal contacts to inform the Regional Administrators of your national priorities for the Agreements.

- Regional Administrators should retain flexibility in negotiating State/EPA Agreements, but should consult with the appropriate Assistant Administrators before departing from major national program policy as set forth in the Agency Guidance.

- State/EPA Agreements should have some uniformity of content to enhance their use as management tools, such as an Executive Summary, a list of priority issues, and a documentation of resources which will be used to meet SEA priority commitments.

- The priorities on which States and EPA agree should "drive" negotiations for individual program grants. State/EPA Agreements should then document how activities in grant work plans contribute to achieving SEA goals.

- The threat of grant sanctions should not be raised more explicitly than is now the case. Specifically, the SEA Guidance should not discuss this issue.

- As SEA's mature and we move to make them more effective it is essential that we track negotiated commitments. This will give us a better idea of how well we and the States are doing together.

- The State/EPA Agreement must be a bilateral agreement which contains realistic commitments required of EPA as well as the States.

As a result of implementing these recommendations, this year's State/EPA Agreement process will differ in several important respects from previous years.

- Your personal involvement will have raised State/EPA Agreements to a central concern of the Agency.

- All programs in EPA will be considered for inclusion in State/EPA Agreements.

- There is a new and clear link between the national priorities of the Assistant Administrators and the negotiations which will occur between Regional Administrators and the States on State/EPA Agreements.

- The national priorities for State/EPA Agreements will be expressed in the Agency Guidance, thus better integrating the Agreements into the Agency's total management structure.

- State/EPA Agreements will become more meaningful since they will be more closely and explicitly tied to grant work plans. They will stress that Agreement priorities should "drive" grant negotiations and that grants should in turn contribute to achieving SEA priorities.

- The Agreements will contain clear performance commitments for EPA and the States, and will provide for means to track progress towards meeting those commitments.

We have coordinated our efforts with those of Roy Gamse's Guidance Evaluation Advisory Committee. As a result, the forthcoming draft of the Agency Operating Year Guidance will contain 1) sections in which the EPA Headquarters program offices list national program priorities which should be stressed in SEA's, and 2) guidance for developing State/EPA Agreements.

* * * * *

It has been a pleasure to serve as chairman of this Committee. In addition to the members you appointed, I asked three persons to serve as staff to the Committee -- Stan Meiburg from OPM, and Peter Wise and Loretta Marzetti from OWWM. Merna Hurd, Director of the Water Planning Division, provided major assistance in moving from the OWWM experience with State/EPA Agreements to an Agency-wide SEA. Julie Erickson from Region X brought a valuable Regional perspective to the staff's work. The Committee and I feel that these individuals did an outstanding job and that their efforts contributed significantly to the Committee's success.

ADMINISTRATOR'S COMMITTEE ON STATE/EPA AGREEMENTS*

CHAIR:

Saul Rosoff, Associate Assistant Administrator
for Management Reform
Office of Planning and Management

MEMBERS:

Gerald A. Bryan, Director
Program and Management Operations
Office of Enforcement

Toby Clark, Acting Associate Assistant Administrator
for Pesticides and Toxics Substances

L. Edwin Coate, Deputy Regional Administrator
Region X

Roy Gamse, Deputy Assistant Administrator
for Planning and Evaluation
Office of Planning and Management

Mary Doyle, Associate General Counsel
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Rebecca Hanmer, Deputy Regional Administrator
Region I

Merna Hurd, Director
Water Planning Division
Office of Water and Waste Management

Fran Phillips, Assistant Regional Administrator
Region VI

James N. Smith, Associate Assistant Administrator
for Water and Waste Management

Edward F. Tuerk, Director
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*Convened in November 1979, this committee made recommendations to the Administrator regarding SEA development which are reflected in this Guidance.

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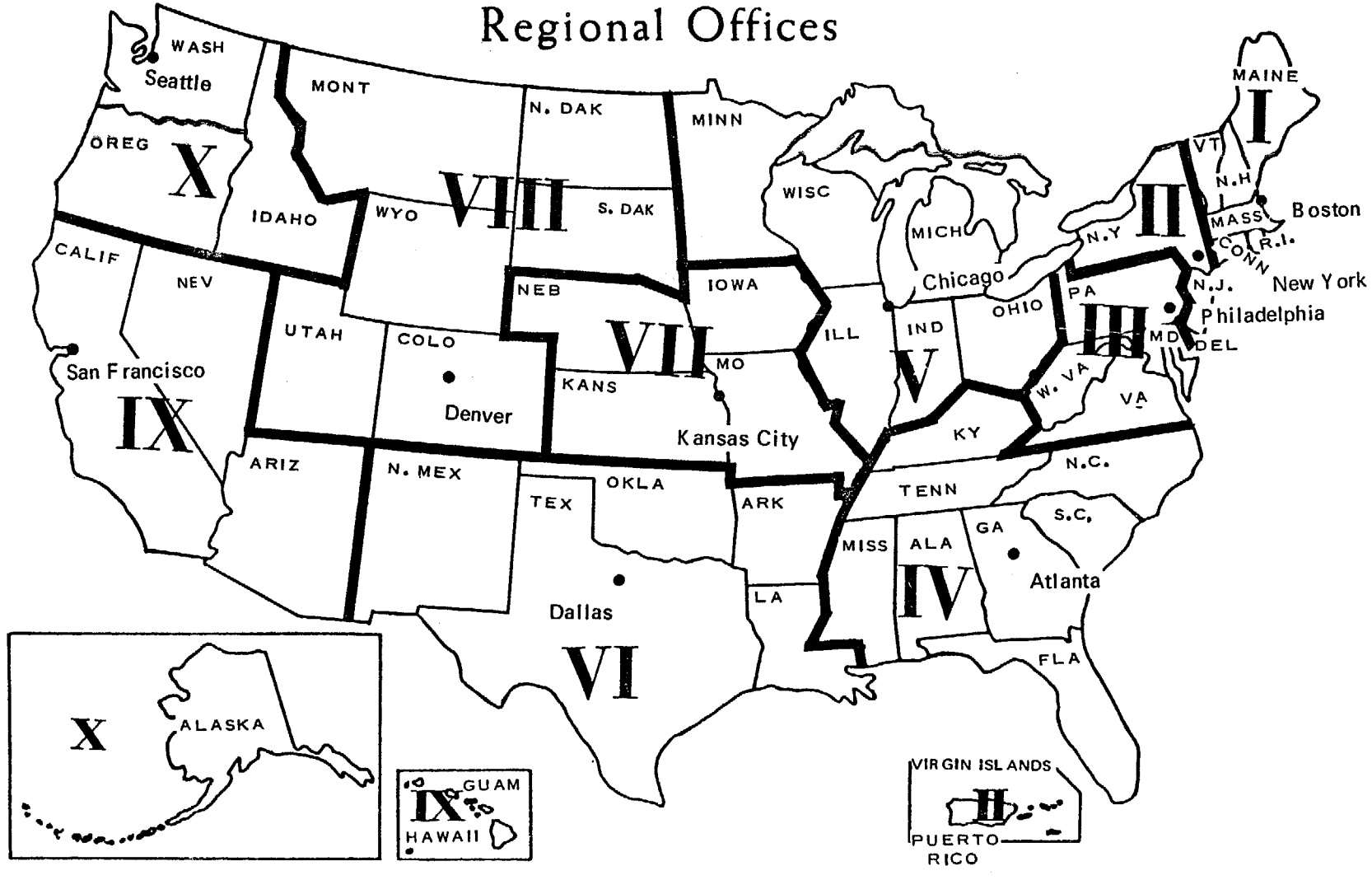
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Regional Offices



APPENDIX VI