

**FY 2015 EXTERNAL COMMENTS AND RESPONSE TO COMMENTS SUMMARY TEMPLATE**

Submitted April 4, 2014:  
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**Template:**

Comment from State, Tribe, or Other Stakeholder	Commenter(s)	Location in Draft Addendum	NPM Response	Action Taken in Final Addendum
<b>OW Issue Area: General Comments</b>				
<i>States very much appreciate the opportunity to review and provide comments on the NPM Guidance. We also appreciate EPA's efforts to streamline this effort. However, the process seems a little cumbersome and difficult to navigate for effective review and feedback, especially with the use of the "addendums". The explanation of changes were also sometimes cryptic.</i>	Association of Clean Water Administrators (ACWA)	General Comment		
<i>ACWA generally avoided commenting on regionally-specific portions of the Guidance. ACWA recommends EPA work directly with states in the affected regions for changes that do not impact state programs nationally.</i>	Association of Clean Water Administrators (ACWA)	General Comment		
<i>EPA appears very committed to new initiatives. ACWA wishes to stress the need for continued investment of resources for the core programs. The</i>	Association of Clean Water Administrators (ACWA)	General Comment		

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<i>success of the CWA programs relies on continued investment in the basic program elements.</i>				
<b>OW Issue Area: Resources</b>				
<i>In the upcoming year (or two), ACWA plans to assist EPA with updating a survey tool that will help identify the national fiscal resource gap associated with state Clean Water Act program implementation. Since 2000-2001 (date of the original State Resources Analysis (GAP), the CWA programs have continued to grow and in many ways has gotten more complicated. ACWA looks forward to future conversations on the resources gap.</i>	Association of Clean Water Administrators (ACWA)	General Comment		
<i>ACWA appreciates the Administration's request for an additional CWA Section 106 funds. 106 funds are used by states/interstates to "operate" the CWA's many programs – from enforcement and compliance, to permitting, inspections, and on the ground CWA implementation. Any increase in 106 funding is essential, given the growth in the number of CWA programs states must administer (see comment on resource gap issues, above). Over</i>	Association of Clean Water Administrators (ACWA)	General Comment		

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<p><i>the last decade, EPA has tied the proposed increases to very specific initiatives such as monitoring, fee programs, enforcement, and nutrient reduction efforts. We strongly believe that EPA should allow states to direct 106 increases to the “top water quality challenge” in the state/interstate – in many cases this will be nutrients, but in some places the top challenge could be in a non-nutrient area (e.g., temperature, metals, salinity).</i></p>				
<p><b>OW Issue Area: Permitting &amp; Compliance</b></p>				
<p><i>With respect to integrated wastewater and stormwater planning (IP), ACWA is generally supportive of this effort, but also recognize it has resource implications.</i></p>	<p><i>Association of Clean Water Administrators (ACWA)</i></p>	<p><i>FY2014 OW NPM, Section III-C-1-a-iv, Page 45</i></p>		
<p><i>ACWA supports a new vision/strategic plan for the NPDES program. The program continues to grow while the resources have stayed static or even dwindled. Likewise, EPA may be able to do more to design regulations and permits that are easier to implement, and that will result in higher compliance and improved environmental outcomes.</i></p>	<p><i>Association of Clean Water Administrators (ACWA)</i></p>	<p><i>Page 6</i></p>		

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<p><i>PQR/SRF - Integrating PQR into the SRF process has been a challenge - not much efficiency has been realized. EPA should continue to look for ways to streamline the state review framework without undercutting the ability to fully and appropriately represent the programs.</i></p>	<p><i>Association of Clean Water Administrators (ACWA)</i></p>	<p><i>See comments on OECA NPM below.</i></p>		
<p><b>OW Issue Area: Climate Change</b></p>				
<p><i>ACWA appreciates that EPA has considered its comments on its Draft Potential State Agency Clean Water and Drinking Water Climate Change Adaptation Actions (Appendix D). Moving forward, we encourage EPA to engage in dialogue with state water quality managers and staff to begin to implement these actions, and where appropriate, provide them with information, data sources, and/or resources to carry out these actions, especially where water quality or watershed modeling is necessary.</i></p>	<p><i>Association of Clean Water Administrators (ACWA)</i></p>	<p><i>Page 5</i></p>		
<p><b>OW Issue Area: Controlling Nutrient Pollution</b></p>				
<p><i>EPA's Office of Water has multiple competing nutrient reduction initiatives which require significant state support. States urge EPA to adopt a goal surrounding the</i></p>	<p><i>Association of Clean Water Administrators (ACWA)</i></p>	<p><i>General Comment</i></p>		

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<p><i>prioritization and timing of these efforts, in consultation with ACWA and its members, such that limited state and federal resources can be more productively leveraged.</i></p>				
<p><i>To meet this goal, states encourage EPA to continue engagement with ACWA's Section 319 Workgroup as states finalize their management plans and implement the new guidelines. Meeting this goal will also require continued and ongoing engagement with the U.S. Department of Agriculture (USDA), with the Natural Resource Conservation Service (NRCS), and with state agricultural groups to identify implementation issues. This goal can serve as an example of how early engagement with States produce positive outcomes.</i></p>	<p><i>Association of Clean Water Administrators (ACWA)</i></p>	<p><i>Page 4</i></p>		
<p><b>OW Issue Area: Improve Water Quality Monitoring and Assessment</b></p>				
<p><i>ACWA is very supportive of efforts to protect high quality watersheds. We look forward to participating in a new MOU with EPA and The Nature Conservancy to facilitate and highlight pilot projects which improve the integration of high quality water protection, state Clean Water Act programs, and climate</i></p>	<p><i>Association of Clean Water Administrators (ACWA)</i></p>	<p><i>Page 5</i></p>		

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<i>change mitigation.</i>				
<b>OW Issue Area: Improve Water Quality on a Watershed Basis</b>				
<p><i>ACWA supports the replacement of the pace measures, WQ-8a &amp; -8b with the new performance measures WQ-27 and WQ-28 featuring TMDL or other restorative efforts in priority areas as well as incremental progress toward completing those efforts. We look forward to working with EPA on the details of reporting on those two measures through the pilot measure effort. To date, states involved in that pilot effort have not seen how their individual reporting has been translated into a national measure through the use of catchments. The ease of that effort will dictate the success in reporting on TMDL progress in the future. Given that the new measures replace the pace measures, ACWA recommends that EPA explicitly state that WQ-8a and 8b are being removed as performance measures to avoid any confusion. A number of states continue to ask if the new measures are to be reported <u>in addition to the traditional pace</u></i></p>	<p><i>Association of Clean Water Administrators (ACWA)</i></p>	<p><i>Page 9-10</i></p>		

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<i>measures. Clarification by EPA that pace will no longer be reported on may hasten the acceptance of the new measure by the states.</i>				
<i>As EPA converts reporting under measure WQ-SP13.N11 from streams to lakes, ACWA recommends that EPA brief states on the results of tracking changes in condition of the Nation's stream.</i>	Association of Clean Water Administrators (ACWA)	Page 8		
<b>OW Issue Area: Watershed Standards Attainment Goals and Strategies NHDPlus</b>				
<i>ACWA supports EPA developing and evaluating a new measure for local improvements in water quality, and particularly supports EPA's creation of a state-EPA workgroup to identify a new 303(d) program to better demonstrate interim progress in water quality improvements. However, it is important to note that that the new measure is still being piloted by states and further discussions are still in order to identify appropriate data analyses that accounts for variability in state priority settings across watersheds. For example, if a state has two separate "priorities" within one single watershed and it meets the</i>	Association of Clean Water Administrators (ACWA)	Page 7		

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<p><i>first commitment, using EPA's current proposed method of data analysis there will be no recognition that any commitment has been met. The catchment will still show that no TMDL or alternative has been established until all necessary plans are firmly in place. One potential remedy for this would involve performing the GIS evaluation in an iterative manner, based on designated uses to how different levels of water quality or TMDL attainment or by identifying an "in-progress" category for places where some work has been done but not all plans have been completed. States will be better served to have such a discussion once the state examples from the pilot effort are processed and discussed with EPA. Additionally, with respect to the FY14 indicator measure tracking statewide progress using statistical survey results, it is important to note that the surveys do not adhere to listing methodologies under 303(d) and are not necessarily cause for listing, and any comparison of stream miles or lake acres between 2012 and 2014 or subsequent years should use the same criteria or</i></p>				



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<i>thresholds for assigning support status to those waters.</i>				
<b>OECA Issue Area: State Review Framework/Strengthening State Performance and Oversight</b>				
<i>ACWA supports removal of references to the NPDES MOAs from State Review Framework.</i>	<i>Association of Clean Water Administrators (ACWA)</i>	<i>Section II, Page 2</i>		
<i>States remain concerned that the Agency is pushing for more prescriptive NPDES MOAs than is necessary. EPA HQ needs to closely monitor individual state feedback.</i>	<i>Association of Clean Water Administrators (ACWA)</i>	<i>FY2014 NPM Section III-C-1-a-iv, Page 43</i>		
<i>ACWA supports more efficient State Performance and Oversight tools. ACWA agrees that integrating PQR and SRF failed to produce very many efficiencies.</i>	<i>Association of Clean Water Administrators (ACWA)</i>	<i>Section II, Page 3</i>		
<b>OECA Issue Area: CWA Compliance Monitoring Strategy</b>				
<i>ACWA supports updating the Compliance Monitoring Strategies to include a larger set of compliance activities including off site desk audits, focused inspections, and other tools. Given the annual/biannual commitments process, beginning FY2015 is too soon to expect state implementation. FY2016 is more reasonable.</i>	<i>Association of Clean Water Administrators (ACWA)</i>	<i>Page 3-5</i>		
<b>OECA Issue Area: Other Related Comments</b>				
<i>ACWA supports Next Generation Compliance initiatives where</i>	<i>Association of Clean Water</i>	<i>FY2014 NPM,</i>		

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<i>flexibility is provides, efficiencies are highlighted, and improved water quality is a direct result.</i>	<i>Administrators (ACWA)</i>	<i>Throughout</i>		
<i>Significant Noncompliance (SNC) – EPA should update the SNC policy to differentiate between real significant water quality issues and paperwork violations.</i>	<i>Association of Clean Water Administrators (ACWA)</i>	<i>FY2014 NPM, Section III-C-1-a-iv, Page 46</i>		
<i>E-Reporting Rule - States &amp; EPA should only be collecting information that is needed to manage the programs. Likewise, EPA should continue to work with states to develop an implementable rule. In particular, EPA must streamline Appendix A.</i>	<i>Association of Clean Water Administrators (ACWA)</i>	<i>FY2014 NPM, Section III-C-1-a-iv, Page 43</i>		