

Draft Instructions: FY2016 New England State Investment/Disinvestment Proposals

I. Process Parameters/Constraints:

As requested by the New England State Commissioners, EPA New England has identified the following constraints to apply to all investment/disinvestment submissions in FY2016.

1. No more than 5 ideas per state

Ideas can be for one year (FY2016) or up to two (FY2016-FY2017). Please indicate whether any proposed investment or disinvestment is for one year or two.

2. Encourage, but not limit proposal ideas to Performance Partnership Grant (PPG) eligible programs

States are encouraged to consider ideas addressing the following list of PPG-eligible programs. Ideas from other EPA programs not listed below are also eligible.

- Clean Air Act
 - Section 105, Air Pollution Control
- Clean Water Act
 - Water pollution control (Section 106)
 - Water quality cooperative agreements (Section 104(b)(3))
 - Wetlands development grants program (Section 104(b)(3))
 - Nonpoint source management (Sections 205(j)(5) and 319(h))
- Safe Drinking Water Act
 - Public water system supervision (Section 1443(a))
 - Underground water source protection (section 1443(b))
- Solid Waste Disposal Act
 - Hazardous waste management (Section 3011(a))
 - State underground storage tanks (section 2007(f)(2))
- Federal Insecticide, Fungicide, and Rodenticide Act
 - Pesticide cooperative enforcement (Section 23(a)(1))
 - Pesticide applicator certification and training (Section 23(a)(2))
 - Pesticide program implementation (Section 23(a)(1))
- Toxic Substances Control Act
 - Lead-based paint program (Section 404(g))
 - State indoor radon grants (Section 306)

- Toxic substances compliance monitoring (Section 28)
- Pollution Prevention Act
 - Pollution prevention state grants (Section 6605)
- Comprehensive Environmental Response, Compensation, and Liability Act
 - State Response Program Grants (section 128(a) of the (CERCLA))
- National Information Exchange Network

3. Program-specific constraints

The following EPA Programs have identified program-specific constraints that cannot be suggested for FY2016 disinvestments:

- National Pollutant Discharge Elimination System (NPDES) Program: The P&C List items “Completing action items to improve program” cannot be nominated for disinvestment.
- Total Maximum Daily Load (TMDL) and Water Quality Standards Programs: TMDLs are an important component of state water quality programs across the Region. EPA will work with states to support development and approval of TMDLs where they will continue to be an effective tool. Examples of active TMDL efforts currently include Lake Champlain, Cape Cod, and CT estuarine bacteria TMDLs. While we are open to alternatives and supportive of the TMDL vision, regionally, TMDLs still should be completed as well as clearly-defined and accountable alternatives. We encourage states to complete TMDLs where significant EPA and state resources have been expended. We will work with each state to tailor specific commitments. In addition, because TMDL development can take at least two years if data collection is needed, EPA may be flexible about whether the negotiated commitment is "development" or "draft submittal" or "final submittal" in a given year within the context of the State's broader TMDL Vision/Plan. For states that FY16 corresponds with a triennial Water Quality Standards review deadline, waiving or postponing this review cannot be approved due to statutory requirements.

For each idea proposed (maximum of 5 per state), please submit the following information by close of business on 6/30/15 to Kristi Rea Simoneau (rea.kristi@epa.gov):

- **State & Contact:** (Please identify your state and a contact for EPA to follow up with should we have questions or need further clarification on each proposed idea.)
- **Time Period:** [Please specify whether the proposal is for one year (FY2016) or two years (FY2016-FY2017).]
- **Media/PPA Goal(s) Addressed:** (Clean Air, Clean Water, Healthy Communities and Ecosystems, Compliance Assistance and Enforcement, and Open and Effective Government)
- **Environmental Program(s) Involved:** (e.g. Storm Water, Drinking Water, Wetlands, Air Permits, Enforcement, etc.)
- **Investment:** (Please clearly describe the activity you propose to invest in the FY2016 or FY2016-FY2017 period.)

- **Disinvestment:** (In order to achieve the investment described above, please describe the disinvestment you propose in the FY2016 or FY2016-FY2017 period.)
- **Measurable Environmental/Public Health Results:** (Please clearly explain and quantify the measurable environmental and public health benefits that will be achieved as a result of the investment in several sentences or paragraphs.)
- **Justification:** (Please describe the reason why this investment and disinvestment is important to the state. For example, why is this approach more efficient/effective than current practice? How will the investment provide better protection for the environment and/or public health? Please provide any specific data or information available to support this request in several sentences or paragraphs.)

Submission Template: FY2016 Proposed State Investments/Disinvestments

For each idea proposed (maximum of 5), please submit the following information by close of business on 6/30/15:

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- **Time Period:** [Please specify whether the proposal is for one year (FY2016) or two years (FY2016-FY2017).]
- **Media/PPA Goal(s) Addressed:** (Clean Air, Clean Water, Healthy Communities and Ecosystems, Compliance Assistance and Enforcement, and Open and Effective Government)
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- **Investment:** (Please clearly describe the activity you propose to invest in the FY2016 or FY2016-FY2017 period.)
- **Disinvestment:** (In order to achieve the investment described above, please describe the disinvestment you propose in the FY2016 or FY2016-FY2017 period.)
- **Measurable Environmental/Public Health Results:** (Please clearly explain and quantify the measurable environmental and public health benefits that will be achieved as a result of the investment in several sentences or paragraphs.)
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State & Contact for Additional Information	Time Period (1 or 2 years)	Media / Goal(s) Addressed	Environmental Program(s) Involved	Investment	Disinvestment	Measurable Environment and/or Public Health Results	Justification

Summary State Investment/Disinvestment Submissions Table (November 19, 2015)

State	Office & EPA Branch Chief Contacts	EPA Program(s)	Years	Investment	Disinvestment	Status
CT	(CT) Oswald Inglese (EPA) Ken Moraff, Mark Spinale & Denny Dart	Pretreatment	2 years (FY16-17)	The Department will continue to monitor compliance of all SIUs and inspect and sample those SIUs prioritized according to environmental risk (i.e., potential to adversely impact the receiving POTW), degree and extent of noncompliance (i.e., SNC), and within available resources.	Reduce mandated inspection commitments commensurate with funding/resource reductions, state priorities and level of risk.	Under discussion. EPA will propose new language to CT DEEP.
CT	(CT) Robert Isner (EPA) Mary Jane O'Donnell & Beth Deabay	RCRA Compliance Assurance	2 years (FY16-17)	Develop RCRA Pharmaceutical Approach. Revise CT's RCRA waste regulations governing pharmaceuticals. Assess EPA pharmaceutical sector proposal to be released July 2015 for adoption and/or adopt state Universal Waste listing in CT.	Delay update of adoption of federal rules from 2000-2008. Defer LQG pharmaceutical retail sector inspections.	Approved. EPA and CT discussed the request to defer LQG pharmaceutical retail sector inspections in FY16-17. CT has submitted a revised proposal that is acceptable to EPA.
CT	(CT) Oswald Inglese (EPA) David Webster & Jane Downing	NPDES Permitting	2 years (FY16-17)	Continue work on addressing NPDES program backlog and permit timeliness.	Assist EPA with review of the state's draft primacy package by answering questions and providing updated information on UIC program implementation. (Revised language)	Negotiated Agreement. NPDES ok with proposal. EPA Program followed up with CT UIC staff, proposed revised P&C list language, and CT did not identify any concerns.
CT	(CT)	PCB	2 years	Work with Region 1 to	Depending on outcome of	Negotiated Agreement. OECA has

State	Office & EPA Branch Chief Contacts	EPA Program(s)	Years	Investment	Disinvestment	Status
	Yvonne Bolton (EPA) James Chow	Compliance Assurance	(FY16-17)	ensure and maintain adequate funding for CT's PCB program and that program results/progress demonstrates value and effectiveness of the funding investment.	the TSCA funding formula reallocation proposal, reduce mandated inspection commitments commensurate with funding and/or discontinue participation in future TSCA compliance monitoring cooperative agreements.	not yet finalized its allocation for TSCA STAG funds. Once the TSCA STAG funding allocation has been finalized, EPA will follow-up with CT's PCB Program. EPA is aware and in agreement that a decrease in inspection commitments will result if the funding is reduced.
CT	(CT) Denise Ruzicka (EPA) Matt Hoagland & Ralph Abele	TMDL Development & Water Planning Program	2 years (FY16-17)	Environmental Outcomes: Water Quantity / Flow Improvements	Development of TMDLs will be slowed with focus shifting to water quantity planning and classification. Request EPA adjust TMDL commitment based upon workload associated with participation in ACWA TMDL visionary workgroup in completing pilot TMDL visionary document.	Negotiated Agreement. EPA Program proposed new language modifying the initial request which DEEP approved. "DEEP is working on implementation of statewide streamflow regulations as well as a state water plan, both innovative water planning and protection efforts. DEEP is also invested in the Section 303(d) Vision process. The Vision process allows states to set priorities for TMDL development, TMDL alternatives and protection plans as, appropriate for the next six years. As a result the development of TMDLs will be slowed while other approaches to restoration of impaired waters are implemented as well as continuing work on water planning."

State	Office &	EPA	Years	Investment	Disinvestment	Status
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	EPA Branch Chief Contacts	Program(s)				
ME	(ME) Andrew Johnson (EPA) Dave Conroy	Air Quality Monitoring	2 years (FY16-17)	Investigate and resolve field operational and remote data telemetry issues being experienced with the existing newly deployed continuous PM _{2.5} monitors (Beta Attenuation Monitors by Met One) that have resulted in low data capture rates, sometimes below the minimum requirement.	Reduce the frequency of filter-based Federal Reference Method PM _{2.5} sampling at the Augusta Lincoln Street School and the Portland Tukey's Bridge sites by changing the current required every third day frequency to an every sixth day frequency <u>without</u> purchasing and installing required continuous PM _{2.5} monitors (i.e. two BAMs).	Approved. EPA will incorporate agreement in the P&C list.
ME	(ME) Melanie Lozrim (EPA) Mary Jane O'Donnell	RCRA	2 years (FY16-17)	Develop an alternative compliance strategy for retail pharmacies and other retailers which have notified as federal LQGs due to generation of expired, damaged or customer-returned pharmaceutical products which meet the definition of hazardous waste; and Draft and issue compliance assistance information to these pharmaceutical retailers and their respective corporate environmental contacts to outline steps necessary for compliance in Maine.	In FY2016, reduce the mandated 20% of the LQG inspection commitment to 5% for retail pharmacies and other pharmaceutical retailers which have notified as federal LQGs due to generation of expired, damaged or customer-returned pharmaceutical products which meet the definition of hazardous waste. The inspection reduction will be implemented under an EPA-approved alternative compliance strategy based upon a flexibility plan approved for retail pharmacies for Region 1 in FY2015.	Approved. ME has submitted their RCRA Alternative Compliance Monitoring Strategy proposal and it has been reviewed by EPA to ensure consistency with EPA's Alternative Compliance Monitoring Strategy guidance. ME's plan to reduce their inspection commitment for LQG retail pharmacies is consistent with flexibility granted in FY15 to our states.

ME	(ME) Tammy Gould (EPA) Dave Webster & Ed Kim	Compliance Assistance and Enforcement (Exchange Network, ICIS-NPDES Data Flow)	1 year (FY16)	Maine DEP is beginning a project to implement NetDMR in Maine. This project will replace Maine's eDMR Reporting System. As part of this transition, Maine would like to take advantage of the simultaneous flow model offered by the Exchange Network to capture data submitted to NetDMR and, for program continuity purposes, integrate submissions into Maine's MEPDES/NPDES permit system of record, EFIS. Investment will involve contracting with our Node vendor (EnfoTech) to build staging tables and an XML translator which will read the XML file submitted by facilities through NetDMR.	Maine DEP was awarded an FY13 Exchange Network grant to implement new node flows and to make Maine's existing reporting system CROMERR compliant. Maine DEP would like to reinvest the portion of the grant dedicated to CROMERR compliance to the development of the Node tools used to consume the XML file from the simultaneous flow (approx. \$6,300)	Approved. EPA Project Officer is working with the Office of Grants and Debarment and ME DEP to modify the grant project scope and deobligate any unneeded funds on the FY13 Exchange Network Grant. Grant modification will occur after 9/30/15 due to high grant workload in HQ.
ME	(ME) Don Witherill (EPA) Mel Cote & Johanna Hunter	Clean Water Nonpoint Source 319(h)	2 years (FY16-17)	1) Increase the percentage (to more than 50%) of 319 funds that are used to support eligible NPS program activities, including planning. 2) Approve a list of 34 streams through the NPS TMDL	The proposal will reduce the percentage of 319 funds used to support implementation of watershed-based plans (less than 50% of 319 will be used for these activities).	Approved for FY16 only. 1) EPA allowed less than 50% in 2015. We have discussed this proposal with MEDEP and recommend that they do all they can to close the gap for FY16. We do not support this approach for FY17 as we believe that MEDEP will have a strategy for using 50% for watershed based implementation activities by then.
ME	(ME) Mark	Clean Water Dredged	2 years (FY16-	Integrate Regional Dredging Team Technical Workgroup (aka Sudbury	Eliminate participation on the Regional Dredging Team Technical Workgroup	Approved. ME program staff will propose changes to P&C List lines 52-53 related to Regional

	Bergeron (EPA) Mel Cote	Material Management	17)	Group) and Army Corps of Engineers/ EPA/New Hampshire dredging and dredged material management activities.	as a separate priority and commitment.	Dredging Team and State Dredging Team. EPA Program will work with ME program to finalize language.
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State	Office & EPA Branch Chief Contacts	EPA Program(s)	Years	Investment	Disinvestment	Status
MA	(MA) Jane Peirce (EPA) Mel Cote & Johanna Hunter	Nonpoint Source (NPS), Watershed Planning Program	2 years (FY16-17)	Support ongoing 319-funded efforts to enhance agricultural practices in the Palmer River watershed. Substantial 319 funds have been provided to the MA Association of Conservation Districts (MACD) to improve availability of technical assistance and incentives for farm BMPs in support of the NRCS National Water Quality Incentive (NWQI) program. Additional MADEP staff resources and grant funds are deployed for the purpose of developing and implementing a "Regulatory Certainty" pilot to offer additional incentives for good farm practices. Partnership with MA Division of Agricultural Resources has also resulted in 8 current grant applications for Agricultural Environmental Enhancement Program grants in the Palmer.	Disinvest from additional monitoring of NRCS conservation practices in the Palmer River watershed. Monitoring to demonstrate the effectiveness of conservation practices is required under EPA NPS program guidelines. MADEP asks to be relieved of additional NWQI monitoring, and to continue at the current level of monitoring being conducted under the MassDEP bacteria source tracking program. Note that essentially the same investment/disinvestment proposal submitted for FY15 and FY16, and EPA agreed for FY15 only.	Approved for FY16 only. EPA can support granting this waiver for FY16 due to the lack of approved conservation practices in the Palmer R. watershed. We would not support granting the waiver at this time for FY17, since we do not yet know the extent of practices that may be planned or approved in the coming year. With the investment in farm planning being provided in the watershed, the hope is that more farmers will install practices. If a sufficient extent of conservation practices is planned in the coming year, there may be merit for monitoring in FY17.
MA	(MA)	RCRA and Air	3 years	Develop and implement a	The frequency with which	Negotiated Agreement. MA has

	Suzi Peck (EPA) Steve Rapp & Mary Jane O'Donnell	Programs Inspection, Alternative Compliance Monitoring Strategy	(FY16-18)	new three year Alternative Compliance Monitoring Strategy for Air Operating Permit sources, sources with air emissions restricted to 80% of the air operating permit threshold (SM80s), and Large Quantity Generators of RCRA Hazardous Wastes, coupled with 100 inspections of carefully targeted "minor" air and RCRA sources. Depending on the outcome of the RCRA rulemaking on pharmaceutical wastes at pharmacies it may be particularly important to work with R1 to develop an alternative for these inspections for implementation in FFY17.	MassDEP conducts Full Compliance Evaluations at the major facilities.	submitted their CAA and RCRA Alternative Compliance Monitoring Strategy proposals. EPA has approved the RCRA proposal. The CAA proposal is under final HQ review. Final approval of the CAA proposal is expected by the end of November.
MA	(MA) Greg Cooper (EPA) Beth Deabay	Underground Storage Tanks (UST)	1-2 years (FY16 or FY16-17)	Use of new data system completed with grant funds. The data system, when fully populated, will provide better compliance targeting information for MassDEP and public portal will allow for greater public transparency of facility information.	Reduce the number of UST inspections to 60 randomly targeted inspections for calculating the Significant Operational Compliance Criteria. This reduction will better match available grant funds, state matching funds and inspection resources.	Approved. MassDEP is authorized to reduce the number of UST inspections to 60 randomly targeted inspections for calculating the Significant Operational Compliance Criteria, based on current grant funding.
MA	(MA) Richard Blanchet	RCRA Hazardous Waste	1 year (FY16)	Continue to "pilot" the new streamlined TSDf license renewal process developed in FFY15 through a joint	If necessary, work with R1 to adjust the number of TSDf license renewals to be completed in FFY16.	Approved. The "LEAN" event outcome is moving the permitting program in the right direction. LEAN process is ongoing.

	(EPA) Beth Deabay	Treatment Storage and Disposal Facility (TSD) License Renewals		MassDEP –R1 LEAN project. The new process is a better fit with the current mix of facilities and staffing levels.		
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