

FY 2018-2019 OW NPM Guidance External Comments

Issue Area	Stakeholder Comment	Commenter(s)	NPM Response
New Nutrient Reduction Indicator Measure	Kansas supports tracking nutrient reduction activities via PPG/106 work plans as an alternative to crafting numeric nutrient criteria	Kansas Dept of Health & Environment – Bureau of Water (BOW)	Thank you for your comment. The EPA looks forward to working with Kansas DEP on tracking these activities.
2019 Progress on Meeting WQS in Waters Targeted for Local Action	We will be interested in seeing how this new measure improves the storytelling of water quality improvement over the limited utility of SP10 & SP11	Kansas Dept of Health & Environment – Bureau of Water (BOW)	Thank you for your comment. This new measure will improve the story the EPA can tell about the condition of America’s waters and the progress being made to restore those waters.
WQ-27	We are fine with the suggested change in text	Kansas Dept of Health & Environment – Bureau of Water (BOW)	Thank you for your comment.
WQ-28	This measure seems to have diverged from its original intent to track interim progress on TMDL or alternative approach development to now become a catch all for the remainder of 303d listed waters	Kansas Dept of Health & Environment – Bureau of Water (BOW)	This winter, the new ATTAINS system will have the capability for states to show where TMDL and alternative approaches are under development. This measure is intended to include all plans (not just plans for priority waters) and progress on such plans. The revised text of WQ-28 expressly includes interim progress on plans by including “or progress on such a plan or approach”.
Urban Waters	Suggest EPA work closely with Mid-America Regional Council on Middle Blue River project	Kansas Dept of Health & Environment – Bureau of Water (BOW)	Thank you for your suggestion.
WQ-01 & Numeric Nutrient Criteria for Lakes	Seems like most States are going to wait to develop NNC for lakes after seeing EPA’s lake stressor-response analyses & methods; since lakes are more straight-forward than streams, don’t plan to see much movement on this measure until late 2019 at the earliest	Kansas Dept of Health & Environment – Bureau of Water (BOW)	Thank you for your comment.
WQ-03a & WQ04a	It would make sense if the baseline for WQ-04a is WQ-03a results; linking the same	Kansas Dept of Health &	WQ-03a and WQ-04a are two different kinds of measures. WQ-03a is a three-year measure that

	WQS from state development to EPA approval	Environment – Bureau of Water (BOW)	indicates how well states doing at adopting approvable WQS that incorporate new scientific information. WQ-04a is a single-year measure that indicates how well the EPA and states are working together so states can submit approvable WQS to the EPA. Using WQ-03a would not be a compatible baseline for WQ-4a.
Green Infrastructure	Again, EPA should engage regional councils and MS4 consortia for local GI success examples	Kansas Dept of Health & Environment – Bureau of Water (BOW)	The EPA will continue to work with a variety of groups to help promote green infrastructure successes.
MS4 clear and enforceable requirements	Incorporating GI into stormwater permits presents a challenge in also placing clear and enforceable requirements in those permits	Kansas Dept of Health & Environment – Bureau of Water (BOW)	Please reference the EPA’s MS4 permit compendium for relevant examples of permits including current provisions expressed in clear, specific, and measurable terms: <u>MS4 Permits - Compendium of Clear, Specific and Measurable Permitting Examples</u>
Integrated Stormwater & Wastewater Plans	“States should support permittees interested in developing integrated plans” What does that even mean?	Kansas Dept of Health & Environment – Bureau of Water (BOW)	States should work with permittees interested in utilizing integrated planning approaches with their stormwater and wastewater permits so that communities can sequence wastewater and stormwater projects in a way that allows the highest priority environmental projects to come first. Considering separate regulatory requirements together can allow communities to meet the requirements more efficiently and maximize municipal resources while encouraging multi-benefit solutions such as green infrastructure.
Sanitary Sewer Overflows & Bypasses	The EPA and State Activities are quite divergent; the EPA looks at wet weather flow blending; the State is to put e-reporting language in permits; seems non-sequitur	Kansas Dept of Health & Environment – Bureau of Water (BOW)	EPA has updated this section to more clearly articulate the state activities that correspond with the EPA activities related to this topic. E-reporting requirements do cover SSO and bypass reporting and that has been clarified.
Watershed Permits & WQ Trading	This whole topic, especially the State activity seems vague, open-ended & not well developed	Kansas Dept of Health & Environment – Bureau of Water (BOW)	Through the Federal Water Quality Trading Policy, trading is allowed but not required under the CWA. States, local watershed groups, and point sources have taken a leading role in championing trades. While there are no specific goals in this guidance for trading in FY18-19, the EPA encourages states to continue their leadership on this topic given the

			potential to improve cost effectiveness and efficiency of the NPDES program.
Pretreatment	This is a topic and training need that should be re-invigorated as EPA and State senior staff fluent in pretreatment are leaving service	Kansas Dept of Health & Environment – Bureau of Water (BOW)	The EPA acknowledges the needs for training due to staff turnover in the pretreatment program and plans to reinvigorate outreach efforts through a series of training webinars and state and POTW training series.
New WQ-34	Again, Kansas supports this measure as a means of tracking nutrient reduction outside of numeric criteria development	Kansas Dept of Health & Environment – Bureau of Water (BOW)	Thank you for your comment.
New WQ-35	There is a long history of daunting challenges in creating a national measure of water quality improvement; this exercise, is necessary, but may confront challenges among the States and Regions, leading to delayed rollout of the measure past FY19	Kansas Dept of Health & Environment – Bureau of Water (BOW)	Thank you for your comment. This new measure will improve the story the EPA can tell about the condition of America’s waters and the progress being made to restore those waters. The new measure will allow EPA to adopt a system of record to track progress on restoring individual waters. This measure will utilize the states’ Integrated Reporting data available in ATTAINS to report on this measure; automating the measure. As with any new measure, there may be some initial challenges with reporting, but in the long run it will be a more efficient and effective way of tracking water quality improvements.
SP12	Revision and improvement in this measure might be more fruitful than creating new measure WQ-35; it is the one WQ measure that has held the most promise in conveying successful WQ improvement; consider revising it sooner rather than simply suspending it	Kansas Dept of Health & Environment – Bureau of Water (BOW)	Thank you for your comment. The EPA will continue to explore opportunities to convey successful water quality improvement.
WQ-9 a,b,c & WQ-10	This move seems rather myopic and ignores the likelihood that Congress will restore the 319 program over the President’s wishes. Should funding be appropriated by Congress, EPA will be faced with allocating those funds to States without a means of tracking the performance in its use. At least keep these measures in place as contingency measures in the event Congress keeps funding 319.	Kansas Dept of Health & Environment – Bureau of Water (BOW)	The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process. At this time the NPS measures are not deleted from the NWPG, they’ve been changed to indicator measures. If the Section 319 program is funded in the future, we will

			continue to report on these measures.
Budget Concerns - General	ACWA is concerned with the uncertainty of EPA's budget relative to the contents of the Guidance. As the budget passed by Congress may be significantly different than the Administration's proposal, the contents of the Guidance, including the measures, will not accurately reflect the final budget reality, causing significant confusion among state and interstate water managers. ACWA hereby requests that EPA address this uncertainty by revising the Guidance after a final budget is approved so that states can better understand what actions EPA will require states to perform and track.	ACWA	The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process
Budget Concerns - General	Regarding the contents of the Guidance as currently written, ACWA is concerned that EPA, despite proposed funding cuts to key environmental programs, such as STAG grants, expects states to prioritize all the actions expressed in the Guidance. States rely on federal funding through the STAG grant program to support state water programs and ensure that public health and the environment are protected while also supporting economic growth. The obstacles that states and EPA face to improve water quality in our nation's waterways are both complex and cost-intensive and reductions to critical funding will make joint prioritization essential. States will need flexibility to prioritize efforts with the highest return to implement regulations in a cost-effective and efficient manner.	ACWA	The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process
State Technical Assistance - General	The Guidance also makes several references to EPA providing states with technical assistance and support. ACWA recommends EPA perform a comprehensive analysis of state resources and support needs to more effectively and efficiently allocate such assistance and support.	ACWA	Thank you for your comment. The EPA will take this into consideration as the Agency develops plans for technical assistance to states.
NPS – 319 Program	Section 9 in the Water Quality chapter of the	ACWA	Addressing nonpoint source pollution would not be

	<p>Guidance, Managing Nonpoint Source Pollution, states that “EPA has no direct regulatory authority over the discharge of non-point sources”. However, CWA § 319 funds are essential to states and are used for vital restoration efforts in waterbodies primarily impaired by nonpoint sources. Given that most of the waterbodies on the impaired waters list are impaired due to nonpoint source pollution, this funding source remains critical to restoring beneficial surface water uses and safe water supply sources for drinking water utilities through strategic placement of land management improvements in targeted areas identified through scientific data and planning.</p>		<p>possible without state, tribal and local collaboration. The EPA will continue to engage in meaningful discussions about how to continue state- and tribel- led restoration and protection work. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.</p>
	<p>Outside of funding concerns, ACWA takes issue with EPA’s inconsistencies with regard to addressing nutrient pollution. Section 4 in the Water Quality chapter of the Guidance, Nutrient Reduction Partnership, lists “State priority actions” explaining that these are actions that states “may” take. Adoption of numeric criteria for nitrogen and phosphorus is included as one of these actions. However, Section 12 of that same chapter, Water Quality Standards Program, explains that EPA will use adoption of numeric water quality standards for total nitrogen and total phosphorous as a performance measure. ACWA encourages EPA to remove or revise this performance measure, as even EPA acknowledges (in Section 4) that there are many actions states may take to reduce nutrient pollution, including but not limited to, adoption of numeric criteria for nitrogen and phosphorous.</p>	ACWA	<p>Sections 4 (Nutrient Reduction Partnership) and 12 (Water Quality Standards Program) are not inconsistent with each other.</p> <p>Section 4 indeed acknowledges state, tribal, local, and community activities that may be taken in addition to adopting numeric nitrogen and phosphorus criteria. Section 12 identifies priorities for the Water Quality Standards program which includes adopting numeric criteria for nitrogen and phosphorus.</p>
Wetlands	<p>Regarding WT-04, ACWA seeks further explanation as to the definition of “Actions...to build programs in four area of wetland management...” and information on</p>	ACWA	<p>The EPA will track activities identified for each core area (element) in the EPA’s Enhancing State and Tribal Programs (ESTP) Initiative - see https://www.epa.gov/wetlands/what-enhancing-</p>

	how this information will be collected.		<u>state-and-tribal-programs-effort.</u> Information on the completion of an activity will be based upon discussions with states and tribes, completion and delivery of products from EPA’s grant programs, as well as completion of wetland program plans that many states and tribes have developed to help guide their program development efforts.
WQ-34	Regarding WQ-34, ACWA seeks further explanation as to the definition of “specific high priority nutrient reduction actions” and what constitutes “strong, incremental progress”.	ACWA	<p>The EPA and states agree that nutrient pollution is a serious problem in many parts of the country and that concerted efforts are needed to reduce this significant threat to human health and the environment. The highest priority work and degree of achievable, near-term progress will vary among states depending on many factors, including progress a state has made to date and the mix of source sectors contributing most greatly to nutrient-related water quality problems. This measure follows up on dialogue between EPA and state leaders, who agreed that the most appropriate forum for discussing priorities and considering workload tradeoffs is the state-EPA dialogue that occurs as part of developing Performance Partnership Grants and/or Clean Water Act Section 106 grant workplans. This indicator measure tracks whether state-EPA dialogue has occurred regarding appropriate next steps on a state's work, with EPA assistance, to reduce nutrient pollution. The measure provides flexibility for the appropriate outcome of that discussion; EPA Regions and some states may agree that other water quality problems are urgent and may appropriately agree on modest nutrient commitments as part of comprehensive workload planning.</p> <p>“Specific high priority nutrient reduction actions” will vary state by state but could include consideration of a range of potential priorities including but not limited to: ambient water quality monitoring to better understand nutrient levels and</p>

			effects; developing and applying methodologies that use state narrative criteria to evaluate nutrient-related impairments of the desired uses of waterbodies; developing numeric nutrient criteria; developing nutrient-related TMDLs, TMDL alternatives or watershed management plans; establishing monitoring requirements and, where appropriate, water quality-based permit limits for total nitrogen and total phosphorus in NPDES permits; incorporating BMPs for nutrient management in stormwater permits and management plans; etc. “Strong, incremental progress” will also vary state by state but given the significant, widespread impacts on water quality, it is important that states commit to making demonstrable progress on the most important actions that are appropriate for their circumstances and then document follow-through on these commitments.
	Regarding WQ-35, EPA should continue to work with states in the development of ATTAINS to ensure the population of representative datasets.	ACWA	Thank you for your comment. We will continue to work with the states as we implement WQ-35.
Development/Revision of Drinking Water Standards/Regulations	For EPA Activities, #2, EPA should undertake a stakeholder process in 2018-2019 for development of a draft CCL5 (to be published in 2020) to ensure the appropriate contaminants are identified in this era of scarce resources.	Association of State Drinking Water Administrators (ASDWA)	Prior to publication of the draft CCL5, the EPA plans to accept public nominations of contaminants for listing from stakeholders. A public nominations process allows the agency to consider new and emerging contaminants that might not otherwise be considered because new information has not been widely reported or recorded. For information on the nomination process, visit https://www.gpo.gov/fdsys/pkg/FR-2012-05-08/pdf/2012-11048.pdf
Unregulated Contaminant Monitoring Rule (UCMR)	For EPA Activities, #2, EPA should undertake a stakeholder process in 2018-2019 for discussions on appropriate analytical methods for UCMR5 to ensure the appropriate methods are developed to generate robust national occurrence data for	Association of State Drinking Water Administrators (ASDWA)	The EPA plans to follow a similar process for UCMR5 as the agency took for UCMR4 to obtain stakeholder input regarding analytical methods and rule design. In 2013, the EPA held a public meeting to describe method development for priority unregulated contaminants; the EPA anticipates

	the contaminants of greatest concern in this era of scarce resources.		holding a similar meeting in 2018. In 2014, the EPA held a public meeting to obtain stakeholder input prior to publishing the draft UCMR4 in 2015; the EPA anticipates holding a similar meeting in 2019.
Lead in Drinking Water	<p>For EPA Activities, #2, EPA should move forward expeditiously to propose the Long-Term Revisions to the Lead and Copper Rule (LT-LCR). ASDWA recommends that EPA provide some additional ongoing opportunities in this process for states to provide their perspectives and experiences. ASDWA also recommends that EPA develop some streamlined guidance on lead for schools and day care centers that are water systems' customers and are not regulated water systems.</p> <p>For EPA Activities, #5, ASDWA recommends that EPA continue to offer the OCCT trainings to primacy agencies and water systems. Additionally, beyond the OCCT trainings, it's clear exactly what EPA is doing (or is planning on doing) to assist states and water systems to enhance implementation of the current LCR – does the Agency have technical experts available, is the Agency reviewing OCCT plans, etc.?</p>	Association of State Drinking Water Administrators (ASDWA)	<p>The EPA is reviewing the LT-LCR. States have the opportunity to provide input on the EPA's proposed revisions to the LCR during the public review and comment period. The EPA will carefully consider all public comments in finalizing revisions to the LCR.</p> <p>The EPA is committed to continuing to work with the primacy agencies and the water systems to develop and deliver trainings and tools that will assist in the effective implementation of the Lead and Copper Rule. Throughout 2016-2017, the EPA hosted ten face-to-face regional training workshops, leveraging the most recent guidance, to discuss optimal corrosion control treatment (OCCT). This training included hands-on exercises demonstrating how the OCCT guidance can be a helpful resource for making informed decisions about corrosion control treatment, and for more effectively navigating the OCCT review and approval process that is required under the rule. General feedback regarding the training included enhanced understanding of LCR requirements, particularly site selection, compliance monitoring, and state designation of optimal corrosion control treatment (OCCT) and optimal water quality parameters (OWQPs). As a result, the primacy agencies and water systems requested that EPA develop and deliver a second set of face to face workshops on a series of LCR topics.</p> <p>This training was piloted May 2017. The EPA received comments from the states and public water systems and is currently updating the workshop based on feedback and planning nine additional face to face training events. In addition, the EPA will continue to the LCR three-part series, which was</p>

			highly attended in 2016 and 2017, reaching on average 1,600 attendees.
<p>4. Implementation of Drinking Water Standards/Regulations/Health Advisories and Technical Assistance</p>	<p>For EPA Activities, ASDWA recommends that the Revised Total Coliform Rule (RTCR) be added as an area of focus, as implementation of the RTCR is a challenging due to the shift to a “find-and-fix” regulatory framework. The RTCR is proving to be a daunting workload for state primacy agencies.</p> <p>For EPA Activities, ASDWA recommends that EPA consider adding an assessment on the effectiveness use of traditional radio, TV, and print media for public notification (PN), and assessment if electronic PN delivery would enhance effectiveness.</p> <p>For EPA Activities, it’s not clear to ASDWA how EPA provides oversight and support for sanitary survey – the activity is non-specific. For Measures, SDW-15, it’s not clear how to determine “their capacity to quickly return to compliance” and what “quickly” means.</p>	<p>Association of State Drinking Water Administrators (ASDWA)</p>	<p>On RTCR: The EPA continues to collaborate with primacy agencies and public water systems to identify challenges and best practices regarding the implementation of the RTCR. The EPA just hosted a webinar this summer which was presented by several states showcasing the challenges they faced in implementing the regulation and how they addressed them as well as best practices. The EPA continues to host the monthly EPA/State workgroup calls, which is attended by the EPA and 8 primacy agencies. This workgroup identified four topic areas that would benefit from further explanation by the EPA. Currently the EPA is developing four hands on documents to help address these four areas. This year, the EPA will attend and present at ASDWA and industry conferences to continue to identify challenges and best practices in RTCR implementation.</p> <p>On PN: The EPA continues to work with primacy agencies, public water systems and industry stakeholders to better understand how the public water systems are taking advantage of electronic reporting for CCR. As resources permit, EPA will consider collaborating with ASDWA and other water sector stakeholders to develop an assessment to better understand how electronic delivery would impact public notification.</p> <p>On Sanitary Survey: The EPA continues to work with primacy agencies to provide resources and training to enhance the implementation of sanitary surveys. Earlier this year, the EPA re-launched the Sanitary Survey website and extended the list of sanitary survey resources and guidance available to the States. Currently, the EPA is revising the Sanitary Survey Best Practice Guide and plans to re-</p>

			launch it this Fall. Primacy agencies utilize PWSS grant funds to train and conduct sanitary surveys. As requested by the primacy agencies, the EPA hosted a webinar training that discussed how DWSRF can be used to fund sanitary surveys, and how state programs are collaborating to address capacity concerns at drinking water systems through the use of sanitary surveys. In addition, the EPA conducts sanitary survey training when requested by the state.
5. Capacity Development for Drinking Water Systems	ASDWA recommends that EPA develop 1 or 2 additional activities for the Agency, beyond the one activity for coordination of enforcement as all the activities listed are for state, tribal, local and community entities.	Association of State Drinking Water Administrators (ASDWA)	Updated Cap Dev Narrative in Draft NWPG
6. Perfluorooctanic Acid (PFOA)/Perfluorooctane Sulfonate (PFOS) Health Advisory	<p>For EPA Activities, #1 – This is correctly called “support” for states. When dealing with these issues, EPA needs to recognize the limited ability of states to mandate actions by water systems when there is no MCL (see additional comment below).</p> <p>For EPA Activities, ASDWA recommends an additional activity for the Agency, that is, to continue to move PFOA and PFOS through the regulatory decision-making process. Right now, state primacy agencies are in limbo with the health advisories, and both the EPA and state, tribal, local and community activities in the NWPG sound like compliance with a standard, without having an EPA standard. Many state primacy agencies are constrained by what they could potentially do now to reduce exposure under health advisories. The NWPG should reflect the need to continue moving these compounds through the regulatory decision-making process and to get “out-of-limbo”. The current health advisories have significant workload implications for state primacy agencies, and these agencies should not be left in limbo.</p>	Association of State Drinking Water Administrators (ASDWA)	<p>The EPA plans to evaluate PFOA and PFOS during the regulatory determination process to determine whether a national primary drinking water regulation is warranted.</p> <p>The existing text in the NWPG states “Continue to evaluate new data as science on health effects of these chemicals evolves.” We will modify the text in the NWPG to read “Continue to evaluate new data as science on health effects of these chemicals evolves <u>to determine whether or not a national primary drinking water regulation is warranted.</u>”</p>

<p>7. Public Water System Supervision Grant Guidance</p>	<p>EPA Activities should consider the state primacy agencies' limited resources – the PWSS grant has essentially been “flat-lined” for the past decade. The NWPG should point out the need for accommodation in priority-setting, in light of these budget limitations. EPA Activities, #3, ASDWA recommends that EPA HQ conduct a study on consistency of workplan reviews by Regions.</p>	<p>Association of State Drinking Water Administrators (ASDWA)</p>	<p>It is important that the EPA and States dialog balances resources and public health protection/compliance with drinking water regulations during the workload planning process.</p>
<p>8. Safe Drinking Water Information System</p>	<p>ASDWA is a strong partner with EPA in the development of SDWIS Prime. The NNWPG could go farther to document EPA’s commitment to completing a system that meets both state and EPA needs. ASDWA has some concerns with the 1-year timeline proposed by EPA for support for state’s transition to SDWIS Prime. ASDWA suggests that the NWPG include a reference to E-Enterprise for the Environment initiative between the states and the Agency. For OGWDW, E-Enterprise is embodied primarily in the SDWIS Prime project.</p>	<p>Association of State Drinking Water Administrators (ASDWA)</p>	<p>States can take longer than 1-year to transition to SDWIS Prime, and the Agency will provide support for this transition beyond 1 year. The Agency plans to stop providing support for SDWIS State 1 year after SDWIS Prime is available for use. States have the option to continue using SDWIS State beyond this 1-year period and the Agency will continue to support receiving quarterly reporting data from states through the Exchange Network Central Data Exchange beyond this 1-year period.</p> <p>The EPA agrees with including a reference to E-Enterprise for the Environment initiative in the NPWG.</p>
<p>9. Drinking Water State Revolving Loan Fund</p>	<p>For EPA Activities, additional activities are needed to reflect the necessary coordination between the DWSRF and WIFIA, particularly the right of first engagement, wherein state DWSRF programs are given an opportunity to consider funding prospective WIFIA loan projects. This coordination/collaboration ethic needs to be reflected in the NWPG. For Measures, WIFIA program measures need to be developed in the NWPG that are comparable to SDW-4 and SDW-5.</p>	<p>Association of State Drinking Water Administrators (ASDWA)</p>	<p>Thank you for your comment. The EPA is committed to ensuring coordination between the DWSRF and WIFIA Programs.</p>
<p>10. Source Water Protection</p>	<p>The NWPG should reflect coordination with other Agency programs, especially CWA programs (e.g., TMDLs, NPDES permits, 319 programs. ASDWA recommends that</p>	<p>Association of State Drinking Water Administrators (ASDWA)</p>	<p>The EPA appreciates your comment. The Source Water Protection program currently coordinates across the agency, including with Clean Water Act Programs, and plans to continue these coordination efforts in the future. Some of these activities are</p>

	when EPA considers regulating any contaminant		noted in Section 10.
Water Quality – 4. Nutrient Reduction Partnership	ASDWA commends EPA for EPA Activity # 4 to provide technical support to states for priority actions to reduce threats to public health from nitrates and HABs in sources of drinking water.	Association of State Drinking Water Administrators (ASDWA)	Thank you for your comment.
Water Quality – 9. Managing Nonpoint Sources Pollution	Another activity should be included for both EPA and state activities: “Coordinate with drinking water programs to include priorities for drinking water sources in nonpoint source program activities and the development watershed based plans.” - see related recommendation to develop a measure about this below for Appendix A.	Association of State Drinking Water Administrators (ASDWA)	The EPA agrees with this comment and changes have been made to the NWPG.
Water Quality –13. Nutrient Criteria for Lakes and Reservoirs	ASDWA commends EPA for EPA Activity #13 that include considerations for drinking to develop nutrient criteria that are protective of drinking water designated uses.	Association of State Drinking Water Administrators (ASDWA)	The EPA appreciates your comment.
Water Quality –14. NPDES Program	Two additional activities should be included for both EPA and state activities: “Coordinate with drinking water programs to prioritize contaminants of concern to drinking water systems in (high priority) NPDES permits that have a direct impact on drinking water supply areas.” “Coordinate with drinking water programs to include considerations for nutrients/nitrogen impacts to drinking water systems in their NPDES permits that have a direct impact on drinking water supply areas.”	Association of State Drinking Water Administrators (ASDWA)	The EPA has edited the guidance to address this comment.
Appendix A – Performance Measures	SDW-15 – This measure needs to be updated in several respects. The Enforcement Targeting Tool (ETT) and Enforcement Response Policy (ERP) need to be used under this measure since ETT already accounts for the violation severity (i.e., health-based violations receive higher ETT scores than monitoring and reporting violations) and duration. Thus, a better measure would be the	Association of State Drinking Water Administrators (ASDWA)	The EPA appreciates the guidance and assistance provided by States to help implement the NPDWRs . The EPA believes that ASDWA/State involvement is invaluable during the development of these measures and will continue to seek ASDWA/state's perspectives. It is important that the EPA and States dialog balances resources and public health protection/compliance with drinking water regulations.

	number of significant small system violators (i.e., those with ETT scores >11).		
Appendix A– Performance Measures	<p>Add new WQ measures as follows:</p> <ul style="list-style-type: none"> • Number of states facilitating coordination between clean water and drinking water programs (maybe as an overarching indicator measure). • Number of states that include considerations for contaminants of concern to drinking water systems in their NPDES permits that have a direct impact on drinking water supply areas. • Percentage of drinking water supplies that have established designated uses for public drinking water supply use. • Percentage of drinking water supply areas that are included in the state’s watershed based plans. • Number of states that include considerations/priorities for wellhead protection areas and/or source water protection areas as part of a watershed assessment for the Watershed Plans (9 Key Element Plans) 	Association of State Drinking Water Administrators (ASDWA)	The EPA appreciates the guidance and assistance provided by States to help implement the NPDWRs and track progress. The EPA believes that ASDWA/State involvement is invaluable during the development of these measures and will continue to seek ASDWA/state's perspectives. It is important that the EPA and States dialog balances resources and public health protection/compliance with drinking water regulations. In addition, when developing measures, the EPA needs to take into consideration the accessibility and reliability of the supporting data that would be used to calculate improvements regarding the specific program measure.
Appendix A– Performance Measures	WQ-27 – ASDWA recommends that this be expanded to include a new measure for the number of states that have included drinking water supplies in their state-identified priority waters for TMDLs, impaired waters restoration, and/or protection approaches for unimpaired waters to achieve or maintain water quality standards.	Association of State Drinking Water Administrators (ASDWA)	The EPA would be happy to discuss with ASDWA an approach to collect this information without needing to create a new measure.
Budget Uncertainty- General	The Department is concerned with the uncertainty of EPA’s budget relative to the contents of the Office of Water National Program Manager Guidance. As explained by EPA representatives on the July 20, 2017 conference call, EPA drafted the Guidance to reflect the Trump Administration’s FY 2018 budget proposal. As Congress’ budget will likely be different than the Trump	Vermont Department of Environmental Conservation, Emily Boedecker, Commissioner	The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal

	Administration’s proposal, the Guidance will not reflect the budget eventually passed by Congress. Therefore, the Guidance may cause confusion for states. We request that EPA plan to amend the Guidance when a federal budget agreement is finally reached.		appropriations process
Office of Water – 319 Funding	<p>EPA states that nutrient pollution leading to harmful algal blooms is among priority issues needing the most attention. National Water Program Guidance acknowledges nonpoint source pollution is responsible for 80 percent of waterbodies identified as impaired in the United States. EPA also acknowledges the lack of regulatory authority over the discharge of nonpoint sources.</p> <p>Comment: Restoration of waterbodies impaired by nonpoint sources of pollution requires addressing non-regulated sources of pollution. Bringing landowners or municipalities to the table to address priority nonpoint source pollution issues often requires incentivizing this work with grant funds. Section 319 funding is a key component, whether a state passes Section 319 funding through to a local partner, or uses Section 319 funding to support staff in planning and administering state pass-through funding for priority nonpoint source projects. There seems to be a disconnect between EPA’s priorities to address nutrient pollution and the proposed FY2018 budget allocations.</p>	Vermont Department of Environmental Conservation, Emily Boedecker, Commissioner	Addressing nonpoint source pollution would not be possible without state, tribal and local collaboration. The EPA will continue to engage in meaningful discussions about how to continue state- and tribe-led restoration and protection work. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.
Office of Water – 319 Funding	Section 9 in the Water Quality chapter of the Guidance, Managing Nonpoint Source Pollution, states that “EPA has no direct regulatory authority over the discharge of non-point sources”. However, CWA § 319 funds are essential to states and are used for vital restoration efforts in waterbodies primarily impaired by nonpoint sources.	Vermont Department of Environmental Conservation, Emily Boedecker, Commissioner	Addressing nonpoint source pollution would not be possible without state, tribal and local collaboration. The EPA will continue to engage in meaningful discussions about how to continue state-led restoration and protection work. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.

	<p>Eliminating federal §319 funding will handicap states' ability to address nonpoint source pollution, which is already a difficult, cost-intensive problem. Given that most of the waterbodies on the impaired waters list are impaired due to nonpoint source pollution, this funding must not be cut. Discontinuing 319 funds for non-point source pollution remediation would undermine Vermont's ability to meet EPA Water Quality goal 9 (manage non-point source pollution) and result in degradation of Vermont's waters.</p>		
Office of Water – 319 Funding	<p>EPA and state actions listed under the Managing Nonpoint Source Pollution section of the National Water Program Guidance address managing and reporting on existing Section 319 funding. EPA also plans to leverage resources and coordinate programs where possible.</p> <p>Comment: The federal Clean Water Act relies on state governments for implementation, more so than other environmental statutes. In turn, federal partners have recognized the importance of cooperative federalism, and strong relationships with states by providing sorely needed funding. For the principles of cooperative federalism to work, and for our waters to be adequately protected, there must be a strong and stable state partner. Therefore, we request that §319 funding not be eliminated.</p>	Vermont Department of Environmental Conservation, Emily Boedecker, Commissioner	Addressing nonpoint source pollution would not be possible without state, tribal and local collaboration. The EPA will continue to engage in meaningful discussions about how to continue state- and tribal restoration and protection work. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.
Office of Water – Watershed Approach	Vermont supports emphasis on addressing water quality issues at the watershed level, thereby working proactively to avoid water quality problems in receiving water bodies and avoiding expensive remediation.	Vermont Department of Environmental Conservation, Emily Boedecker, Commissioner	The EPA supports Vermont's emphasis on addressing water quality issues at a watershed level. This is a state prerogative. The EPA will continue to work with states to implement a watershed approach.

Office of Water – High quality waters	Protection of healthy and high-quality waters is a relatively new focus for EPA. We applaud this and urge EPA to investigate innovative approaches and funding mechanisms that support state efforts to protect high quality waters.	Vermont Department of Environmental Conservation, Emily Boedecker, Commissioner	Thank you for your comment.
Office of Water - Potential loss of Lake Champlain and Long Island Sound Funding	The Introduction to the Guidance states that EPA’s funding of specific regional efforts will be discontinued. While not directly referring to the Lake Champlain Basin Program or EPA’s Long Island Sound Program, both of these entities are essential in protecting and restoring water quality in New England. These bodies of water have made great progress towards reaching their long-term goals, and risk backsliding into worse conditions without the staff and resources needed to maintain recent progress. Vermont strongly recommends that such regional efforts, which support state agency actions, are not cut. Loss of regional water quality projects and initiatives seriously undermines water quality protection and remediation efforts where watersheds cross state lines.	Vermont Department of Environmental Conservation, Emily Boedecker, Commissioner	Restoration work in geographic areas of concern would not be possible without state, tribal and local collaboration. The EPA will continue to engage in meaningful discussions about how to continue state-led restoration work in these geographic regions. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process. If funding is provided for these programs, the EPA will follow Congressional direction.
Office of Water - Nutrient Reduction Partnership	EPA acknowledges widespread nutrient pollution issues across the country, and acknowledges the need to address both nonpoint and point sources. EPA activities under the Nutrient Reduction Partnership involve collaborating and partnering with states and other federal agencies to reduce nitrogen and phosphorus loadings, and continuing to support states, territories and tribes through grants and technical assistance programs. EPA actions involve working with states to include high-priority actions that each state intends to take to reduce nutrient pollution in Performance Partnership Grants (PPG) and/or Section 106 workplans and assess progress	Vermont Department of Environmental Conservation, Emily Boedecker, Commissioner	Addressing nonpoint source pollution would not be possible without state, tribal and local collaboration. The EPA will continue to engage in meaningful discussions about how to continue state- and tribe-led restoration and protection work. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.

	<p>and continue to hold ourselves accountable to achieving results.</p> <p>EPA has also established a new indicator measure associated with Section 106 workplans: Number of States that included specific high priority nutrient reduction actions in their PPG and/or Section 106 grant workplans for FY 2018.</p> <p>Comment: EPA expects states to include high priority nutrient reduction actions in PPGs and/or Section 106 workplans. Nutrient reduction actions include implementing monitoring, NPDES, and water quality standards programs, already supported by Section 106 grants. In addition, EPA lists implementing nutrient best management practices, development of nutrient watershed management plans, and development of nine element nonpoint source management plans for nutrients as high priority nutrient reduction actions to include in PPGs and/or Section 106 workplans. These actions are key components of the Clean Water Act Section 319/Nonpoint Source Program, slated to be eliminated under the proposed FY2018 budget. With the Section 106 funding slated for a 30 percent reduction, it seems unreasonable and unlikely that states would be able to absorb these high priority nutrient reduction actions, as expected by EPA, under Section 106 workplans and maintain base water pollution control programs.</p>		
<p>Office of Water - Total Maximum Daily Loads (TMDLs) and Other Plans to Restore and Protect Water Quality</p>	<p>The National Program Manager Guidance directs states to continue to identify priority waters in need of TMDLs, or TMDL alternatives where appropriate, to restore water quality in impaired waters. Where water pollution grants (i.e., Section 106 grants) are used to support TMDL development, EPA encourages states to</p>	<p>Vermont Department of Environmental Conservation, Emily Boedecker, Commissioner</p>	<p>Addressing nonpoint source pollution would not be possible without state, tribal and local collaboration. The EPA will continue to engage in meaningful discussions about how to continue state- and tribe-led restoration and protection work. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.</p>

	<p>consider factors needed for effective TMDL implementation.</p> <p>Comment: For TMDLs addressing nonpoint sources of pollution, effective implementation may not be driven by NPDES or other state wastewater/stormwater regulations. In these cases, funding for nonpoint source project planning, development, and implementation is critical for effective TMDL implementation. Elimination of Section 319 funding would limit states' ability to implement nonpoint source TMDLs through staff planning and project oversight, as well as pass-through dollars for project implementation.</p>		
Office of Water - Wetlands	<p>VT-DEC is pleased that the Wetland Program Development Grants are not included in the list of eliminated funding. We have specific questions regarding page 37 of the Draft NPM Guidance for the Office of Water: Page 37, Wetlands, "Expected State, Tribal, Local, and Community Activities"</p> <p>1. "Interact with the EPA as states and tribes explore assumption of the CWA Section 404 permitting program from the USACE (WT-04).</p> <p>o VT-DEC Comment: Could the EPA explain more fully what is meant by "explore assumptions"? Is there a list of "actions" to be taken by states as they "explore assumptions"? Will more guidance be forthcoming from the EPA, and especially in light of anticipated revision of WOTUS.</p>	Vermont Department of Environmental Conservation, Emily Boedecker, Commissioner	The EPA is committed to working with those states and tribes interested in assuming the section 404 program. The EPA will work to provide clarity on issues that may affect state and tribal efforts to assume the CWA section 404 permitting program.
Office of Water - Wetlands	Page 37, Wetlands, "Expected State, Tribal, Local, and Community Activities"	Vermont Department of Environmental	The EPA supports having states provide the agency with draft 401 certificates in advance of Corps issuance of the permit public notice, and with final

	<p>2. “Assist the EPA in its review of 404 permits by sharing their CWA Section 401 certifications on USACE permits.”</p> <p>o VT-DEC Comment: Does EPA want states to share draft 401 certificates or final certificates? Will EPA ask the Army Corps of Engineers to enforce 401 conditions? Will EPA ask the Army Corps of Engineers to add 404 conditions based on 401? In Vermont, the 401 certificates are often finalized after ACoE has issued a provisional 404.</p>	<p>Conservation, Emily Boedecker, Commissioner</p>	<p>certificates. The Agency will share your comments with Corps.</p>
Office of Water - Wetlands	<p>Page 37, Wetlands, State and Tribal Partnerships, “EPA Activities”</p> <p>VT-DEC is pleased that EPA will provide support on “matters related to state ... assumption of the CWA 404 permit program” (activity 2) and “deliver training and technical assistance to states and tribes related to water quality standards, CWA 401 certification” (activity 3).</p>	<p>Vermont Department of Environmental Conservation, Emily Boedecker, Commissioner</p>	<p>Thank you for your comment.</p>
Office of Water - Wetlands	<p>Page 37, Wetlands, State and Tribal Partnerships, “Expected State, Tribal, Local and Community Activities”</p> <p>Activity 2: “Develop tailored technical products for a state or tribe, such as wetland rapid assessment methods and wetland mapping products, and share with other states and tribes.”</p> <p>VT DEC Comment: VT-DEC encourages EPA to develop regional methodology and data collection. Combining efforts and creating more transferrable products will increase sample sizes and allow for development of biological matrices.</p>	<p>Vermont Department of Environmental Conservation, Emily Boedecker, Commissioner</p>	<p>Thank you for your comment.</p>
Office of Water - Wetlands	<p>Page 37, Wetlands, State and Tribal Partnerships, “Expected State, Tribal, Local and Community Activities”</p>	<p>Vermont Department of Environmental Conservation,</p>	<p>Thank you for your comment. The EPA will clarify this in the final guidance.</p>

	<p>Activity 4: “Where there is state interest, establish ‘no discharge zones’ (NDZ) to control vessel sewage under the CWA.”</p> <p>VT-DEC Comment: This activity appears out of place for wetland managers.</p>	Emily Boedecker, Commissioner	
Non Point Source CWA 319 Grants	<p>The National Water Program Guidance, 2018-2019 states that the EPA CWA Section 319 grants will be discontinued or scaled back in fiscal year 2018. The Confederated Salish and Kootenai Tribes (CSKT) believe that this will bring a disservice and undue hardship to the tribal and non-tribal membership that live on the Reservation. Nonpoint Source pollution is a major driver of Reservation water quality impairment and to eliminate this valuable program will also eliminate a valuable tool that CSKT has in mitigating and remediating these water quality impairments. CSKT asks that the CWA Section 319 program be funded at current fiscal year 2017 levels.</p>	Chauncey Means Environmental Protection Division, Natural Resource Department, Confederated Salish and Kootenai Tribes.	Addressing nonpoint source pollution would not be possible without state, tribal and local collaboration. The EPA will continue to engage in meaningful discussions about how to continue state- and tribal restoration and protection work. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.
WQ-12a NPDES backlog	<p>Permits to be counted in this metric should be permits only. For general permits, only the actual expired (more than 6 months) general permit should be counted as backlogged, not the NOIs for coverage under that general permit.</p>	Indiana Department of Environmental Management, Office of Water Quality	<p>This measure has long included counts at the facility level rather than the permit level. A large proportion of NPDES-permitted facilities are covered by general permits and a general permit being expired impacts all covered facilities, as well as those wishing to newly seek coverage. This measure is designed to assess current NPDES permit coverage for facilities to meet requirements under the CWA. For this reason, OW will be keeping this measure as it is currently defined.</p>
Office of Water Quality Section 4-Nutrient Reduction Partnership	<p>The new indicator measure (WQ-34) includes the “number of states that included specific high priority nutrient reduction actions in their PPA/PPG and/or Section 106 grant workplans for FY2018”. While ADEM intends to use the available technically justifiable tools to reduce excess nutrients in state waterbodies (which include some of the expected state activities listed in the</p>	Alabama Dept. of Environmental Management	<p>The EPA and states agree that nutrient pollution is a serious problem in many parts of the country and that concerted efforts are needed to reduce this significant threat to human health and the environment. The highest priority work and degree of achievable, near-term progress will vary among states depending on many factors, including progress a state has made to date and the mix of source sectors contributing most greatly to nutrient-</p>

	<p>guidance), ADEM is concerned that EPA will require (or strongly “encourage”) specific nutrient reduction actions in workplans and grants due to the indicator measure. These actions may be very difficult given the existing resources of states and the lack of wide spread availability of technically justifiable numeric nutrient levels for many waterbodies. ADEM does not support this new measure.</p>	<p>related water quality problems. This measure follows up on dialogue between the EPA and state leaders, who agreed that the most appropriate forum for discussing priorities and considering workload tradeoffs is the state-EPA dialogue that occurs as part of developing Performance Partnership Grants and/or Clean Water Act Section 106 grant workplans. This indicator measure tracks whether state-EPA dialogue has occurred regarding appropriate next steps on a state's work, with EPA assistance, to reduce nutrient pollution. The measure provides flexibility for the appropriate outcome of that discussion; EPA Regions and some states may agree that other water quality problems are urgent and may appropriately agree on modest nutrient commitments as part of comprehensive workload planning.</p> <p>“Specific high priority nutrient reduction actions” will vary state by state but could include consideration of a range of potential priorities including but not limited to: ambient water quality monitoring to better understand nutrient levels and effects; developing and applying methodologies that use state narrative criteria to evaluate nutrient-related impairments of the desired uses of waterbodies; developing numeric nutrient criteria; developing nutrient-related TMDLs, TMDL alternatives or watershed management plans; establishing monitoring requirements and, where appropriate, water quality-based permit limits for total nitrogen and total phosphorus in NPDES permits; incorporating BMPs for nutrient management in stormwater permits and management plans; etc. “Strong, incremental progress” will also vary state by state but given the significant, widespread impacts on water quality, it is important that states commit to making demonstrable progress on the most important actions that are appropriate for their circumstances and then document follow-through on these commitments.</p>
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<p>Office of Water Water Quality Section 12-Water Quality Standards Program EPA Activities</p>	<p>Item 3. lists activities related to tribes and the water quality standards program. Should the guidance also elaborate on the status of EPA’s Advanced Notice of Proposed Rulemaking (ANPRM) published on September 29, 2016, in which EPA indicated that it was considering establishing federal baseline water quality standards (WQS) for certain Indian reservation waters to narrow a long-standing gap in coverage of Clean Water Act (CWA) protections?</p>	<p>Alabama Dept. of Environmental Management</p>	<p>Thank you for your comment. The EPA is still considering this opportunity and will consider comments received during the ANPRM public comment period in any Agency decision moving forward.</p>
<p>Office of Water Water Quality Section 12-Water Quality Standards Program State and Tribal Activities (Section 106 Program Grant Guidance)</p>	<p>Item 4.a. lists the requirement “Where a triennial review does not result in adoption of new or revised water quality criteria for which EPA has published new or updated CWA Section 304(a) criteria recommendations, a state or tribe must explain this decision when reporting the results of the triennial review to EPA.” This requirement originates from 40 CFR §131.20(a). The Department contends that the scope or extent of the explanation is not clearly defined and allows EPA to arbitrarily place an undue burden on the states by unnecessarily requiring a comprehensive statement detailing why the state did not adopt or revise criteria for each parameter. The Department commented on this requirement in its comments submitted in response to EPA’s Request for Comment on regulations that may be appropriate for repeal, replacement, or modification (82 FR 17793, April 13, 2017). No action has been taken by EPA to date in response to comments received, but in the interim this guidance would be an appropriate forum to provide guidelines as to the extent of the “explanation” needed to promote consistency and to prevent arbitrary and unnecessarily</p>	<p>Alabama Dept. of Environmental Management</p>	<p>In its next revision to the WQS Handbook, the EPA plans to provide some examples of reasons that a state might offer to not adopt or revise water quality criteria where the EPA has published new or updated 304(a) criteria recommendations at that time. This information will provide states and authorized tribes a good sense of the extent of explanation that might be appropriate. It is important to keep in mind that, as explained on pages 51028 – 51029 of the EPA’s final rule preamble, the purpose of this requirement is to ensure that states and authorized tribes consider the latest science that the EPA puts out in the form of its 304(a) criteria recommendations and explains to the public any decisions not to incorporate that latest science in the WQS.</p>

	burdensome interpretations of the requirement.		
Office of Water Water Quality Section 12-Water Quality Standards Program Measures	The Department objects to specifying total nitrogen and total phosphorus for Measures WQ-1a and WQ-1d. It is unnecessarily restrictive to states. There are other scientifically justifiable parameters that would be representative of nutrient impairment.	Alabama Dept. of Environmental Management	WQ-1a and WQ-1d are focused on the causal parameters nitrogen and phosphorus by design. The EPA acknowledges response parameters (such as chlorophyll-a) may be used to indicate water body impairments.
Office of Water Water Quality Section 12-Water Quality Standards Program Measures	Measure WQ-1d states “Number of numeric water quality standards for total nitrogen and total phosphorus that states or territories plan to adopt within 3 years for all lakes/reservoirs, rivers/streams, and estuaries, based on annual state and territorial milestones.” It is not clear as to what the timeframe “within 3 years” refers. Is a Nutrient Criteria Implementation Plan supposed to be completed every three years? Our draft FY18-FY19 workplan does not have any such timeframe listed.	Alabama Dept. of Environmental Management	"Within 3 years" refers to planned criteria adopted relative to the end of a specific fiscal year. For example, a state getting credit for WQ-1d in FY18 would have plans indicating adoption of criteria by 9/30/2021 (the end on FY21). For measure details relative to FY17, see page 19 at https://www.epa.gov/sites/production/files/2016-11/documents/fy_2017_nwpg_water_quality_measure_definitions.pdf
Office of Water Water Quality Section 14-NPDES Program Nutrients	The guidance should make it clear which parameters are considered nutrients in this section and specifically for measures WQ-20a and WQ-20b. The FY2017 NWPG Water Quality Measure Definitions made it clear that nutrients are considered to be any nitrogen or phosphorus parameter. This clarification should appear in the guidance as well.	Alabama Dept. of Environmental Management	The EPA Office of Water (OW) has added language to the guidance to address this, as well as a link to the protocol used to track permits with nutrient limits and monitoring requirements, including the full list of parameters used for reporting on these measures. Additionally, OW added language to make clear that the data OW will post online showing nutrient limits and monitoring requirements is for all individual NPDES permits for municipal wastewater treatment facilities, matching the requirements of WQ-20a and b.
SafeDrinking Water/#3 – Lead in Drinking Water - Expected State Activity #2	The state can participate in this activity for those schools and child care centers that meet the definition of a public water supply. Program funding sources do not provide for non-PWS entities.	Montana DEQ WQD PWSB	The EPA appreciates the guidance and assistance provided by States as the EPA addresses current lead issues in schools. The EPA believes that ASDWA/State involvement is invaluable during the development and implementation of training and resources to help address lead in schools. It is important that the EPA and States dialog balances resources and public health protection/compliance with drinking water regulations.

SafeDrinking Water/#4 – Implementation of Drinking Water Standards/Regulations/Health Advisories and Technical Assistance . Expected State Activity #7	Comment same as above.	Montana DEQ WQD PWSB	The EPA appreciates the guidance and assistance provided by States as the EPA addresses current lead issues in schools. The EPA believes that ASDWA/State involvement is invaluable during the development and implementation of training and resources to help address lead in schools. It is important that the EPA and States dialog balances resources and public health protection/compliance with drinking water regulations.
SafeDrinking Water/#4 – Implementation of Drinking Water Standards/Regulations/Health Advisories and Technical Assistance . Expected State Activity #10	There is no definition of what is meant by “Co-Host”. This activity would depend on available funding and staff availability.	Montana DEQ WQD PWSB	The EPA is flexible regarding the term “co-host” and understands that each state will define their role based on funding and staff availability.
SafeDrinking Water/#4 – Implementation of Drinking Water Standards/Regulations/Health Advisories and Technical Assistance . Measures – SDW-17	The state can participate in this activity for those schools and child care centers that meet the definition of a public water supply. Program funding sources do not provide for non-PWS entities.	Montana DEQ WQD PWSB Jon Dilliard, Public Water Supply Bureau Chief jdilliard@mt.gov	The EPA appreciates the guidance and assistance provided by States as the EPA addresses current lead issues in schools. The EPA believes that ASDWA/State involvement is invaluable during the development and implementation of training and resources to help address lead in schools. It is important that the EPA and States dialog balances resources and public health protection/compliance with drinking water regulations.
SafeDrinking Water/#6 – PFOA – PFOS Health Advisory - Expected State Activity #1 & #2	There is no clear definition of what is considered “Local”. By statute, Montana public water supply regulations can be no more stringent than federal regulation. Until appropriate federal regulations are in place, the MT DEQ role in this activity will be extremely limited.	Montana DEQ WQD PWSB	The EPA is evaluating scientific data on PFOA and PFOS as part of the Agency’s regulatory determination process to evaluate whether or not a national primary drinking water regulation is warranted.
SafeDrinking Water/#11 – Underground	Montana DEQ does not have primacy in this area. The Montana Board of Oil and Gas is	Montana DEQ WQD PWSB	Thank you for your comment.

<p>Injection Control (Including UIC Grant Guidance) – Expected State Activities</p>	<p>authorized to implement the UIC Class II injection program.</p>		
<p>Managing Nonpoint Source Pollution/#9</p>	<p>Section 9 discusses the close out of the existing program and currently open project grants. Given FY '17 funds, those grants (FY 13 – 17) will exist through FY '22.</p> <p>DEQ notes that the President's budget does not include any funding for the NPS program in FY '18. This is problematic, given that according EPA, 80% of impaired waters are polluted by nonpoint sources. Montana recently has been receiving approximately \$2 million from EPA to address NPS pollution each year. Half has been awarded to address on-the-ground water quality improvement projects and the other half to supporting the NPS program. The NPS Program has historically supported (in part): DEQ monitoring and assessment activities; TMDL development activities; TMDL implementation activities; and NPS program data storage and reporting (as well as some miscellaneous staff time). So a number of other programs are likely to be affected/diminished if this guidance is finalized without restoration of 319 program funding.</p> <p>Directly, Section 5, 6, and 7 (Water Quality Monitoring and Assessment; TMDLs and Other Plans to Restore and Protect Water Quality; and Protecting Healthy and High Quality Water, respectively) will be affected by this change in funding. "Expected State, Tribal, Local and Community Activities" and "Measures" in each of those Sections will</p>	<p>Robert Ray (rray@mt.gov)</p>	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.</p>

	<p>need to be re-assessed if 319 funds to Montana are decreased or completely cut, per President Trump’s proposed budget.</p> <p>DEQ also notes that “Measures Associated With Eliminated Work” at the end of the document includes WQ-9 and WQ 10. WQ-9 is reporting on reductions in nitrogen, phosphorus and sediment from NPS projects, and WQ-10 is reporting on the number of NPS impairments that have been eliminated through restoration actions. Cuts in 319 project funding will impact local watershed groups, local communities, and local contractors, in addition to not being able to address NPS water quality impairments through supporting locally–led voluntary actions.</p>		
General- All NPMs	<p>Presentation of quality data about regulated facilities is important to communicate to the public the compliance status of facilities as well as fully reflect actions states and EPA staff take related to compliance monitoring and inspections. It is important for EPA to work closely with states to ensure information from systems such as ICIS-NPDES is displayed appropriately, accurately, and timely through EPA’s on-line ECHO data system. This may include identifying a process for timely resolution of potential problems once identified by a state/states, using timely data while ensuring accuracy, providing beta environments for states to view data sets before they are published, regular and in-depth training for state users, and support for development of a joint governance system as appropriate. The E-Enterprise ECHO Team comprised of states</p>	ECOS	Thank you for your comment.

	and EPA is seeking to address these priorities.		
General- All NPMs	Through E-Enterprise for the Environment, ECOS' Innovation & Productivity Committee, and other contexts, ECOS has supported the ability of states to improve their efficiency and effectiveness in implementing environmental programs through streamlining and modernization activities. ECOS hopes that EPA program offices include guidance language wherever possible that encourages close, proactive communication between regional and state staff to identify and pursue opportunities for these activities.	ECOS	Thank you for your comment.
General- All NPMs	Regional Geographic Programs funded under EPA's budget serve as important resources to protecting and restoring local and regional ecosystems and support state agencies who are also investing in these priority areas. If Congress does not provide funding for these programs, EPA should work closely with states to adjust federal workload expectations commensurate with available funding.	ECOS	The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process
Office of Water: Introduction (page 1)	The Introduction identifies program funding that that is being discontinued or scaled back, including non-point source/319 (NPS) and National Estuary Program (NEP). MassDEP acknowledges that EPA's FY18 funding is still being determined. However notes that the 319 program is absolutely critical to continuing progress on addressing NPS pollution in a heavily urbanized state like MA. In MA, more than half of the state's impaired waters are listed primary due to impacts from NPS pollution. MA uses the 319 funds to very good effect to protect healthy watersheds, and to identify and mitigate priority pollution sources in non-	MassDEP	The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process

	regulated areas. 319 funding gives the states the ability to prioritize local investment in NPS projects.		
Office of Water – Wetlands (page 36)	The draft guidance states that the rulemaking to promulgate a new WOTUS rule will be completed by the end of 2017. We urge EPA / OW to take the necessary time to consult with states and gain knowledge of any new rule’s effect on the variety of wetlands programs across the country. Changing this rule is likely to have implications for state programs, and the programmatic structure (such as section 401 certification processes) that may also need to be reviewed and revised or adjusted. On 6/19/17, MassDEP submitted a comment letter under the Federalism EO with these and other comments.	MassDEP	The new rule will not be finalized in 2017. The EPA appreciates the comments of states and tribes as we consider revising the definition of waters of the US and has initiated a robust state and Tribal engagement effort. As part of the rulemaking we will assess the potential effects to CWA programs and state implementation associated with a change in jurisdiction.
Office of Water - Safe Drinking Water Information System (SDWIS) (page 9)	MassDEP is very supportive of EPA’s continued work to develop and release SDWIS Prime and the Compliance Monitoring Data Portal (CMDP). These tools are essential help Massachusetts and other states streamline their SDWA program processes and implementation and provide a more robust and readily available way to share this important public health information with key stakeholders and the public. At MassDEP having an effective SDWIS Prime and CMDP will free up multiple staff who currently spend time manually reviewing drinking water quality monitoring reports (MassDEP’s largest source of paper reports submitted to MassDEP), to allow them to dedicate their time to hands-on permitting, compliance, and enforcement work to ensure safe drinking water. Anything that can be done to advance this work more quickly would be tremendously useful.	MassDEP	The Agency very much appreciates the ongoing active state engagement and support for this work and will continue to explore and implement ways to advance this work as quickly as possible.
	Kentucky Division of Water is in agreement with the comments submitted by ACWA on		Thank you for your comment.

	<p>July 28, 2017. This also includes the comments pertaining to measures:</p> <p>WQ35</p> <p>WQ-34</p> <p>WT04</p>		
General Concern – E Budget	<p>NPMs were based upon the President’s FY2018 budget proposal, which amounts to a 30% decrease for EPA funding. This results in a significant cut in EPA programming. Both the House and Senate budget proposals will not have such significant budget proposals. How will the NPMs be amended/modified to reflect final congressional budgetary decisions?</p>	Region 10 Tribal Operations Committee, Tribal Caucus	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process. The FY2019 addendum to the NPM guidance will reflect decisions made in the final FY 2018 budget.</p>
National Water Program (Office of Water (OW)) -- Funding	<p>Proposed EPA funding cuts will have significant impacts to tribal communities in Alaska. The total elimination of funding for water and sanitation programs for Alaska, not to mention the decrease or elimination of CWA § 319 funding will have a significant impact to tribes across Region 10. Reduced funding to tribes will increase the dependence that EPA will directly engage in the programs (i.e., if you won’t fund tribes to do the work, EPA will have to do it). This expectation needs to be factored in the development of the NPM.</p>	Region 10 Tribal Operations Committee, Tribal Caucus	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process</p>
OW – Fish Consumption Rates	<p>Many states have fish consumption rates that fail to protect tribal health, including Alaska. The NPM fails to mention or prioritize the development of fish consumption rates, include funding an technical assistance for states and tribes to conduct surveys and conduct other needed technical work to</p>	Region 10 Tribal Operations Committee, Tribal Caucus	<p>The EPA has provided funding and technical assistance for states and tribes to conduct fish consumption surveys in the past and intends to continue to do so moving forward. In December 2016, The EPA published its <i>Guidance for Conducting Fish Consumption Surveys</i>, in an effort to assist tribes, states, local governments, and others</p>

	update the rates and adjust water quality standards accordingly.		in designing and conducting statistically valid fish consumption surveys with valid analytic results. That guidance can be found at https://www.epa.gov/fish-tech/guidance-conducting-fish-consumption-surveys . The EPA will add a link to this guidance on its WQS Tools for Tribes website (the Tools for Tribes website is included as a footnote associated with the current NWPG language).
OW – Implementation of the Clean Water Act on Reservations	As noted in the OITA section above, the NPM should prioritize the completion of the rulemaking for the Federal Baseline Water Quality Standards for Indian Reservations.	Region 10 Tribal Operations Committee, Tribal Caucus	Thank you for your comment. The EPA is still considering this opportunity and will consider comments received during the ANPRM public comment period in any Agency decision moving forward.
OW – Transparency	The NPM should prioritize transparency of the NPDES permitting process by: (1) requiring that all state NPDES permits be available on the EPA website and (2) making state DMR reporting available on the EPA website. States have created barriers toward transparency of this information. For example, in Alaska, a costly records request is required to obtain DMRs.	Region 10 Tribal Operations Committee, Tribal Caucus	<p>The EPA’s Office of Water (OW) agrees that transparency is important. States manage the NPDES programs in most cases and therefore maintain the most complete and current copies of state-issued permits. EPA regulations currently do not require that permits and fact sheets be made available on a website, although many states and EPA regions do post this material online.</p> <p>Additionally, pursuant to 40 C.F.R. § 124.10, public notice is required for draft major NPDES permits. During this time, the permitting authority provides notice of the availability of the draft permit and fact sheet in a variety of ways, including publication in a daily or weekly newspaper and inclusion in mailing lists. Members of the public may also contact the NPDES permitting authority to receive a copy of the permit’s administrative record or make an appointment to view permit records at the permitting authority’s office. Document request and access methods vary by state and Region. As part of the EPA’s ongoing work with states on maintaining NPDES program health and integrity, the EPA will continue to verify that NPDES permitting authorities’ public notice and public permit record access practices comport with regulatory</p>

			<p>requirements.</p> <p>Also, the NPDES Electronic Reporting Rule requires that as of December 21, 2016, all DMRs be submitted electronically to the EPA’s database or a state data system that then transfers data to the EPA’s database. These data are made available through the EPA’s ECHO search tools: https://echo.epa.gov/facilities/facility-search?mediaSelected=cwa. The NPDES Electronic Reporting Rule also requires certain permit and facility data to be entered into the national database and most of these data are generally also available in ECHO or will be included as enhancements are made to the ECHO search tools.</p>
<p>All other NPMs</p>	<p>As EPA moves to finalize employee guidance concerning Tribal programs and providing direction to the Agency on programmatic priorities for FY 2018-2019 consistent with the FY 2018 President’s Budget, the Agency must acknowledge the deep impacts that proposed cuts to vital programs would have on Indian Country. The federal trust responsibility to Tribal Nations includes ensuring all federal agencies are equipped to execute on the federal trust responsibility. USET SPF views the President’s Budget Request for FY 2018, and the deep cuts, it contains as a violation of the trust responsibility. This is particularly true for the EPA.</p> <p>As stated in EPA’s Overview to the FY 2018-2019 National Program Manager (NPM) Guidances, due to the proposed FY 2018 President’s Budget, the Guidances will focus on key programmatic activities Agency-wide to provide a national operational framework. We are concerned that the proposed overall cuts to EPA within the President’s proposed budget would have an immeasurable and</p>	<p>USET Sovereignty Protection Fund</p>	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process</p>

	<p>long-lasting impact on programs in Indian Country. These programs are vital to Tribal Nations who utilize them to protect the health and safety of their environment and homelands.</p> <p>The proposed cuts would eliminate 46 programs within EPA totaling \$983 million and reduces funding to states and Tribal Nations in the State and Tribal Assistance Grants (STAG) funding by \$678 million. The proposal to cut funding for vital environmental programs would undo years of progress made by EPA and Tribal Nations, and would threaten the safety and health of the Tribal Nations they serve. Specifically, the proposed budget would eliminate the Tribal 319 Grant program, as stated in the National Water Program Guidance description, which provides grants and technical assistance to support Tribal environmental programs in managing their nonpoint source pollution problems. Funding from this grant has previously been utilized by USET SPF member Tribal Nations, including by the Penobscot Indian Nation to improve and protect water quality in the Penobscot River and Little Mattamiscontis Lake.</p> <p>As stated previously, cuts to Indian programs within the proposed FY 2018 President's budget undermine the federal trust responsibility. In addition to providing sufficient funding, the federal government has an obligation to consult with Tribal Nations when taking actions that will affect them and their resources. As an Agency of the federal government, EPA must seek the advice and guidance of Tribal Nations before taking any action impacting Indian Country. We urge EPA to remain steadfast in its</p>		
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	<p>fulfillment of the trust responsibility to federally recognized Tribal Nations which includes the duty to ensure the protection of the environment and health of Tribal communities, as well as ensure meaningful consultation with Tribal Nations.</p>		
<p>Nutrient Reduction Partnership (National Water Program Guidance, Water Quality #4, Pages 20-21)</p>	<p>The Alaska Department of Environmental Conservation (ADEC) appreciates the flexibility for state responses to nutrient issues and understand that this is an important national priority. However, not all states and especially not Alaska, find nutrients a high priority. First, there are few, small and generally isolated sources of anthropogenic nutrient pollution in Alaska given that the state has only very small scale and limited agriculture or animal feeding operations. Even the National Resources Conservation Service (NRCS) has had a difficult time finding projects to support the EPA/NRCS initiative. Urban or other stormwater related nutrient sources are also limited by the low population. Second, effective nutrient regulation of ambient surface waters depends on a robust understanding of local ecologies and monitoring data to establish reasonable criteria. Alaska has very limited monitoring data for nutrients and related parameters and is severely resource-constrained in the funding available for water quality</p>	<p>State of Alaska Department of Environmental Conservation, Division of Water Contact: Michelle Hale, Director Division of Water, Michelle.Hale@alaska.gov</p>	<p>The EPA and states agree that nutrient pollution is a serious problem in many parts of the country and that concerted efforts are needed to reduce this significant threat to human health and the environment. The highest priority work and degree of achievable, near-term progress will vary among states depending on many factors, including progress a state has made to date and the mix of source sectors contributing most greatly to nutrient-related water quality problems. WQ-34 follows up on dialogue between the EPA and state leaders, who agreed that the most appropriate forum for discussing priorities and considering workload tradeoffs is the state-EPA dialogue that occurs as part of developing Performance Partnership Grants and/or Clean Water Act Section 106 grant workplans. This indicator measure tracks whether state-EPA dialogue has occurred regarding appropriate next steps on a state's work, with EPA assistance, to reduce nutrient pollution. The measure provides flexibility for the appropriate outcome of that discussion; EPA Regions and some states may agree that other water quality problems are urgent and may appropriately agree on modest nutrient commitments as part of comprehensive workload planning.</p> <p>“Specific high priority nutrient reduction actions” will vary state by state but could include consideration of a range of potential priorities including but not limited to: ambient water quality monitoring to better understand nutrient levels and effects; developing and applying methodologies that</p>

	<p>monitoring in a state as large as Alaska. Alaska will continue to work collaboratively with national and regional EPA program managers in setting state specific priorities through the Performance Partnership process including staying informed on nutrient best management practices and nutrient issues in general that may affect the state. Since there are many competing priorities, EPA's indicator measure WQ-34, WQ-20a, and WQ-20b should remain indicators with no numeric target. Water quality standard goals in WQ-01a, WQ-01b (adoption of numeric nutrient criteria) will not and need not be achieved in 100% of states now or in the future. EPA should instead prioritize state partnerships and actions based on the amount of nutrient pollution generated in each state. A strategic approach is clearly appropriate for nutrient pollution.</p>		<p>use state narrative criteria to evaluate nutrient-related impairments of the desired uses of waterbodies; developing numeric nutrient criteria; developing nutrient-related TMDLs, TMDL alternatives or watershed management plans; establishing monitoring requirements and, where appropriate, water quality-based permit limits for total nitrogen and total phosphorus in NPDES permits; incorporating BMPs for nutrient management in stormwater permits and management plans; etc. "Strong, incremental progress" will also vary state by state but given the significant, widespread impacts on water quality, it is important that states commit to making demonstrable progress on the most important actions that are appropriate for their circumstances and then document follow-through on these commitments.</p> <p>WQ-20a and b are currently indicator measures, as indicated in the guidance measure appendix. These measures will remain as indicators for FY18-19.</p>
	<p>The Alaska Department of Environmental Conservation agrees with the EPA proposal to suspend SP-12 and replace SP-10 and SP-11 in FY19 with the new WQ-35 measure for Meeting Water Quality Standards for Local Action using state priorities and tracking improvements based on NHD Plus and electronic reporting in ATTAINS. As EPA is aware, tracking water quality improvements in Alaska is complicated by the fact that USGS has not developed NHD Plus level information for this state. Various agencies are slowly collecting and moving</p>	<p>State of Alaska Department of Environmental Conservation, Division of Water Contact: Michelle Hale, Director Division of Water, Michelle.Hale@alaska.gov</p>	<p>Thank you for your comment, and we appreciate the collaboration with Alaska and other agencies to improve the NHD for Alaska.</p>

	<p>towards NHD Plus in limited areas. EPA has assisted Alaska in processing some of the GIS information that is available and is working with the AK Hydro working group as well as the Alaska Geospatial Council. It is critical the EPA continue to support this GIS improvement effort for high priority Alaskan watersheds that are impaired or at risk, so that Alaska can meaningfully participate in tracking improvements in water quality. Alaska has 40% of the nation's waters, which is challenging, but also a national resource. that should not be overlooked.</p>		
<p>General -Program Eliminations</p>	<p>The NPM Guidances are based on the FY18 President's budget which includes elimination or scaling back of programs. The elimination of these environmental protection programs will negatively impact human health and the environment. The programs being discontinued or scaled back include:</p> <ul style="list-style-type: none"> a) CWA 319 nonpoint source grants b) Beach grants c) National estuary program/coastal waterways d) Marine Pollution e) Infrastructure assistance to Alaska Native Villages and the US Mexico Border <p>The programs which are being eliminated no longer have any national targets or commitments for these programs, and USEPA may discontinue collecting and reporting performance data for them. The decision to eliminate and scale back programs does not have concurrence with Congress which determines the appropriations for these programs and the Tribe does not agree that these programs be eliminated or have activities scaled back.</p>	<p>Blue Lake Rancheria Tribe</p>	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process</p>

Safe Drinking Water	There is no mention of continued USEPA support for or participation in Infrastructure Task Force (ITF) activities related to drinking water (or wastewater) infrastructure or operation and maintenance (O&M). The work of the ITF has assisted tribes by bringing together various agencies to assist with overcoming barriers related to providing safe drinking water in Indian Country. There needs to be continued support and participation by the USEPA for ITF.	Blue Lake Rancheria Tribe	EPA continues to support and participate in the Tribal Infrastructure Task Force (ITF). We will revise the NWPG to clarify this support.
Safe Drinking Water	There is only minimal discussion regarding the Safe Drinking Water Act State Revolving Fund Tribal Set-Aside and no acknowledgement of the significantly increased demand to which that fund will be subject with the elimination of the Alaska Native Village and US Mexico Border infrastructure programs. The Alaska Native Village and the US-Mexico Border infrastructure programs are needed to address significant safe drinking water deficiencies. While the Flint, Michigan water crisis has been the focus of efforts to address aging drinking water infrastructure, a significant disparity continues to exist between American Indian and Alaska Native (AI/AN) populations and non-native communities: Over 6% (and in some communities up to 25%) of AI/AN homes reported by the Indian Health Service at the end of 2016 still lack access to safe drinking water and basic sanitation, compared to the non-Indian national average of approximately 0.5%; yet only a small fraction of the federal funding that supports drinking water and wastewater infrastructure is dedicated to AI/AN community projects. The elimination of the Alaska Native Village and US-Mexico Border infrastructure programs will worsen an already significant public health issue.	Blue Lake Rancheria Tribe	The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.

Water Quality	<p>On pages 25-26 is a brief discussion titled Managing Nonpoint Source Pollution. This section starts by identifying that more than 80% of waterbodies assessed are impacted by nonpoint sources of pollution, and then goes on to list just a few activities to be undertaken by USEPA and state, tribal, local governments and community, including ensuring existing grants comply with applicable policies. There needs to be an acknowledgment that Clean Water Act Section 319 mandates the Administrator to make grants to support nonpoint source management programs (see USC 1329(h), (i)). This NPM Guidance asserts through its elimination of the Clean Water Act Section 319 program that USEPA has the authority to eliminate this Congressionally established program. The Tribe does not agree with this assumption and interjects that Congress created the Clean Water Act to include funding for Section 319 activities for reducing nonpoint sources of pollution which the USEPA confirms in this NPM Guidance continues to be an issue for more than 80% of waterbodies. The Tribe asserts that the Clean Water Act Section 319 Program must continue and not be eliminated from the NPM Guidance.</p>		<p>The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.</p>
Water Quality/Tribal Status	<p>The USEPA acknowledges it has no direct regulatory authority over nonpoint sources, but works with state and local partners to minimize their impact. However, Tribes are not identified as a specific partner that EPA will be working with. Tribes need to be identified in the same breath as states signifying the unique status afforded to Tribes.</p>	Blue Lake Rancheria	<p>Thank you for the comment. The EPA agrees that tribes are critical partners and should be included with states when water quality partnerships are described. We’ve updated the nonpoint source pollution narrative to include tribes.</p>
General Comment	<p>While it is appreciated that EPA has decided, within the president's budget to continue to partially fund many environmental programs</p>	Nez Perce Tribe	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they</p>

	<p>affecting tribes, including GAP, and to try to improve efficiency through the use of ETEPs, it seems that the programs selected for elimination are putting a disproportionate hardship on Tribes in the overall scheme. Tribes do not have tax bases or other funding sources to support environmental programs and must rely on grant funding for many environmental programs. EPA cut the Environmental Justice program that provides support to address environmental and human health concerns in minority, low-income, Tribal and other communities. EPA also eliminated the Tribes' main funding source for implementation to reduce and eliminate nonpoint source pollution with the elimination of the 319 Nonpoint Source Pollution Program and Five Star Program. EPA eliminated the Beach/Fish Programs which provided science, guidance, and technical assistance to state, Tribal and federal agencies on the human health risks associated with eating locally caught fish/shellfish or wildlife with excessive levels of contaminants. The Nez Perce Tribe depends on salmon, steelhead, and lamprey as important food sources. Native Americans consume fish, shellfish, and wildlife in proportionately higher amounts in their diet than other populations and benefited from this program. EPA also eliminated the RCRA: Waste Minimization and Recycling Program which has been a valuable resource for Tribes in their attempts to minimize waste going to landfills. The directive to cut Greenhouse Gas Reporting and Global Change Research will also adversely impact everyone, but particularly Tribes, who are at greater risk and have less capacity to deal with extreme weather events, sea level rise, and infrastructure losses, and whose cultural and social practices are tied to the land and</p>		<p>relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.</p>
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	<p>are integral to their identities, community, well-being and sustenance. EPA's decision to focus on regulatory programs and to cut voluntary and non-regulatory programs will have a huge adverse impact on on-going programs, and Tribes will be especially hard hit. While Tribes appreciate EPA's efforts to focus on regulatory programs due to the President's budget the decisions to eliminate many of the particular environmental programs selected seems to be an Environmental Justice issue itself.</p>		
<p>OW - Section 319 Nonpoint Source Pollution</p>	<p>Nonpoint Source (NPS) pollution is recognized as the most pervasive source of water quality impairments in the nation, far outweighing problems from wastewater treatment plant, industrial facilities, stormwater runoff, and other discharges in most areas. Under section 319, states, territories, and Indian tribes have received grant money that supported a wide variety of activities for implementing management practices that address pollution from nonpoint sources. Many EPA programs like the Wetland Program Development Grant program provide money for capacity development but none for implementation. With >80% of assessed water bodies impacted by nonpoint source pollution and known impacts to human health and wildlife populations, it does not make sense to eliminate the 319 program. While EPA Nutrients Partnership program deals with nitrate and phosphorous reduction, nutrients are just one part of the problem with NPS pollution on reservations. Pesticides, pH, sediment, turbidity, bacteria, and especially temperature are extremely important water quality issues for Tribes and the 319 Program funding allowed Tribes to implement</p>	<p>Nez Perce Tribe</p>	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.</p>

	projects to eliminate and mitigate these issues. The 319 Program should be reinstated.		
Wetlands	EPA is to be commended for setting aside 10% of Wetland Program Development Grant funds for FY17 and FY18 for Tribal Wetland Grants. With >500 federally recognized tribes and then intertribal consortia there is a lot more competition for less money than with the regional grant but it is appreciated that the program recognizes and focuses specifically on Tribal wetlands issues. This is a good additional grant for Tribes.	Nez Perce Tribe	Thank you for your comment.
General - ASWM	ASWM is pleased to see elements of the Guidance Document (Draft NWP 2018-2019 Guidance, Wetlands Section) showing continued commitments to partnering with states and tribes, specifically through the provision of targeted support to states as part of the Wetland Program Development Grants program and the new tribal set-aside grant. Analysis by ASWM has shown this support is critical to developing state capacity. ASWM also is appreciative that EPA plans to review and implement recommendations from the Assumable Waters Federal Advisory Commission subcommittee and advise states and tribes on matters relating to assumption of the CWA 404 permit program. EPA's other activities outlined in this section also provide great value. Additionally, ASWM encourages the strongest possible support for partnership work between EPA and its partners to protect, restore and enhance wetlands.	ASWM	Thank you for your comment. The EPA is committed to working with federal, state, tribal, and local partners to protect and restore the nation's wetlands.
General – Eliminated Programs	Reconsider the removal of key EPA program elements and their associated guidance in this document. The elimination of programs such as the Coastal Program, the National Estuary Program and numerous geographic programs,	ASWM	The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance

	as well as support from regional and national EPA offices could have significant and lasting impacts on wetland resources nationwide. One example of this impact would be the potential loss of ecosystem services provided by wetlands in the forms of buffering storm surge, filtering polluted runoff and more, if the National Estuary Program and its associated wetland restoration work is eliminated.		documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.
WOTUS	Carryout comprehensive and careful review of the impacts and consequences of repealing and replacing the Waters of the United States (WOTUS) Rule. These actions will have a significant impact on states. Twenty-seven states currently have no state equivalent to dredge and fill permitting programs for freshwater wetlands. ASWM requests that EPA provide time for interested states to address gaps in jurisdictional programs. States need time to go to their legislatures and pass new programs into law before federal protections are removed (as Wisconsin did in 2001). States will have no opportunity to create programs by the end of 2017. Without this coverage, individuals within states could undertake activities in violation of their state water quality standards without recourse to a state permitting program to ensure compliance. Review and informed decision-making is necessary to ensure states can play an active role in this critical decision-making process. ASWM has provided additional formal comments and recommendations about this effort in a separate letter in response to Federal Consultation on Waters of the United States (Submitted June 16, 2017).	ASWM	The new rule will not be finalized in 2017. The EPA appreciates the comments of states and tribes as the Agency considers revising the definition of waters of the US. As part of the rulemaking the EPA will assess the potential effects to CWA programs and state implementation associated with a change in jurisdiction. The EPA will also consider state comments on an appropriate effective date of the final rule.
Section 404 Program	Continue to provide rigorous review of and comment on Section §404 permits despite the	ASWM	The EPA will continue to work closely with the Corps to ensure that the 404 program is being

	guidance stating that proper application of 404(b)(1) guidelines is now defined as “assisting” USACE “in making timely 404 permit decisions that avoid and minimize adverse human health or environmental impacts.” While the document clarifies that EPA permit review will not go away, it implies that EPA will provide reduced support to the Corps.		carried out consistent with applicable Clean Water Act statutory and regulatory responsibilities.
Measures and Indicators	Consult states in the compilation and elimination of measures that are required to be tracked. ASWM understands that state recommendations are being considered in this process, but also encourages EPA to review and revise these measures with states before they are implemented.	ASWM	The EPA appreciates the state role in the measure development process. The Agency will continue to work with states on the implementation of new measures.
Green Infrastructure	Strongly consider incorporating promotion of green infrastructure as a component of water infrastructure investments across the United States. The President’s water infrastructure initiative has much to gain in terms of economic savings, hazard reduction and increased capacity of the landscape to manage water through numerous well-tested, integrated green and gray-green infrastructure options.	ASWM	Green infrastructure projects are eligible to receive assistance from the Clean Water State Revolving Fund. To the extent there are sufficient projects, the FY17 appropriation requires states to provide at least 10% of their capitalization grant for “green project reserve” projects, including green infrastructure. The January 6, 2016 memo, “Green Infrastructure Policy for the Clean Water State Revolving Fund Program,” promotes increased CWSRF financing of green infrastructure projects. https://www.epa.gov/cwsrf/green-infrastructure-policy-cwsrf-program
Wetlands data collection	Ensure that any data management system that is developed and required for use by states include options to document common, relevant data on wetlands. In the past, EPA’s electronic systems have not facilitated useful data collection for evaluation and assessment of wetland resources. EPA’s inclusion of this data would allow states to more effectively manage wetland resources at the state level. ASWM also encourages better data and	ASWM	Thank you for your comment.

	information sharing regarding permits that have been issued.		
Program Integration	Continue to provide leadership on (and model to states) program integration. The current change in guidance takes away EPA's role as an integration leader and sends a message to states that program integration is not important when ASWM's findings indicate that program integration is essential to improving economic, organizational and environmental outcomes.	ASWM	The EPA continues to work towards innovative solutions to increase efficiency within our programs. One of the ways the EPA proposes to increase efficiency is by implementing a state and tribal-led model of cooperative federalism that emphasizes local and federal government's equal relationship in environmental protection and restoration implementation.
404(c)	Re-instate language around 404(c). These 404(c) actions are part of the statute, and even though they are very rarely taken to finalization, there are instances when the action is warranted.	ASWM	The EPA will ensure that 404 projects do not result in unacceptable effects on municipal water, fish and shellfish, wildlife, and/or recreation, consistent with statutory requirements and regulations under 404(c).
General – Collaboration/Cooperative Federalism	Connect with states, tribes and local governments on the “State, Tribal, Local Expectations” section of the guidance document to ensure that they agree with and can fulfill the listed expectations.	ASWM	The EPA conducted early engagement with states and tribes on the FY 2018-2019 NPM guidance in summer 2016. The purpose of early engagement and subsequent outreach and public review and comment is to provide opportunity for collaboration on shared expectations.
Wetlands	Rename the chapter on wetlands that now includes portions of the coastal program to avoid confusion about wetlands vs. ocean and coastal items that are not related to wetlands (Freshwater and Coastal Wetlands).	ASWM	Thank you for your comment. The EPA will revise the section name
WT-04	Note that ASWM approves of the replacement of Measure WT-02a with WT-04. WT-04 is the cumulative action whereas WT-02a was the annual increment. As a measure to determine progress, this is a positive change.	ASWM	Thank you for your comment.
General -Program Eliminations	The NPM Guidance is based on the FY18 President's budget which includes elimination or scaling back of programs. The elimination of these environmental protection programs will negatively impact human health and the environment. The programs being discontinued or scaled back include: f) CWA 319 nonpoint source grants	Pyramid Lake Paiute Tribe	The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will

	<p>g) Beach grants h) National estuary program/coastal waterways i) Marine Pollution j) Infrastructure assistance to Alaska Native Villages and the US-Mexico Border</p> <p>The programs which are being eliminated no longer have any national targets or commitments, and USEPA may discontinue reporting and measuring performance based on the quality data collection. The decision to eliminate and scale back programs does not have concurrence with Congress. Congress appropriates the funding for these programs and our Tribe does not agree that these programs be eliminated or have its activities scaled back.</p>		<p>be determined through the annual federal appropriations process.</p>
Safe Drinking Water	<p>There is no mention of continued USEPA support for or participation in Infrastructure Task Force (ITF) activities related to drinking water (or wastewater) infrastructure or operation and maintenance. The work of the ITF has assisted tribes by bringing together various agencies to assist with overcoming barriers related to providing safe drinking water in Indian Country. There needs to be continued support and participation by the USEPA for ITF. The Tribe supports the effort to increase the program requirements and funding to adequately support the purpose for providing safe and clean drinking water to our tribal communities.</p>	Pyramid Lake Paiute Tribe	<p>The EPA continues to support and participate in the Tribal Infrastructure Task Force (ITF). The EPA will revise the NWPG to clarify this support.</p>
Water Quality	<p>More than 80% of the nation's waterbodies assessed are impacted by nonpoint sources of pollution. Once assessed, the water body then goes on to list by EPA and state, tribal, local governments and community, including ensuring existing grants comply with applicable policies. There needs to be an acknowledgement of the Clean Water Act</p>	Pyramid Lake Paiute Tribe	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will</p>

	<p>Section 319 mandate, and that the Administrator continue to make grants available to support nonpoint source management programs (see USC 1329(h), (i)). This NPM Guidance asserts that USEPA has the authority to eliminate the Clean Water Act Section 319 program, one that is Congressionally established program. The Tribe does not agree with this assertion and interjects that Congress created the Clean Water Act to include funding for Section 319 activities for reducing nonpoint sources of pollution. The Tribe asserts that the Clean Water Act Section 319 Program must continue and not be eliminated from the NPM Guidance.</p>		<p>be determined through the annual federal appropriations process.</p>
<p>Water Quality/Tribal Status</p>	<p>The USEPA acknowledges it has no direct regulatory authority over nonpoint sources, but works with state and local partners to minimize their impact. However, Tribes are not identified as a specific partner that EPA will be working with. Tribes need to be identified in the same breath as states signifying the unique status afforded to Tribes.</p>	<p>Pyramid Lake Paiute Tribe</p>	<p>Thank you for the comment. The EPA agrees that Tribes are critical partners and should be included with states when water quality partnerships are described.</p>
<p>General -Program Eliminations</p>	<p>The NPM Guidances are based on the FY18 President's budget which includes elimination or scaling back of programs. The elimination of these environmental protection programs will negatively impact human health and the environment. The programs being discontinued or scaled back include:</p> <ul style="list-style-type: none"> a. CWA 319 nonpoint source grants b. Beach grants c. National estuary program/coastal waterways d. Marine pollution e. Infrastructure assistance to Alaska Native Villages and the US-Mexico Border <p>The programs which are being eliminated no longer have any national targets or</p>	<p>The Big Pine Tribe of the Owens Valley</p>	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.</p>

	commitments for these programs, and USEPA may discontinue collecting and reporting performance data for them. The decision to eliminate and scale back programs does not have concurrence with Congress which determines the appropriations for these programs and the Tribe does not agree that these programs be eliminated or have activities scaled back.		
Safe Drinking Water	There is no mention of continued USEPA support for or participation in Infrastructure Task Force (ITF) activities related to drinking water (or wastewater) infrastructure or operation and maintenance (O&M). The work of the ITF has assisted tribes by bringing together various agencies to assist with overcoming barriers related to providing safe drinking water in Indian Country. There needs to be continued support and participation by the USEPA for ITF.	The Big Pine Tribe of the Owens Valley	The EPA continues to support and participate in the Tribal Infrastructure Task Force (ITF). The EPA will revise the NWPG to clarify this support.
Safe Drinking Water	There is only minimal discussion regarding the Safe Drinking Water Act State Revolving Fund Tribal Set-Aside and no acknowledgement of the significantly increased demand to which that fund will be subject with the elimination of the Alaska Native Village and US-Mexico Border infrastructure programs. The Tribe encourages USEPA to not eliminate the Alaska Native Village and US-Mexico Border infrastructure programs. The Alaska Native Village and USMexico Border infrastructure programs are needed to address significant safe drinking water deficiencies. While the Flint, Michigan water crisis has been the focus of efforts to address aging drinking water infrastructure, a significant disparity continues to exist between American Indian and Alaska Native (AI/AN) populations and non-Indian communities: Over 6% (and in some	The Big Pine Tribe of the Owens Valley	The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018, will be determined through the annual federal appropriations process.

	<p>communities up to 25%) of AI/AN homes reported by the Indian Health Service at the end of 2016 still lack access to safe drinking water and basic sanitation, compared to the non-Indian national average of approximately 0.5%; yet only a small fraction of the federal funding that supports drinking water and wastewater infrastructure is dedicated to AI/AN community projects. The elimination of the Alaska Native Village and US-Mexico Border infrastructure programs will worsen an already significant public health issue.</p>		
<p>Water Quality</p>	<p>On pages 25-26 is a brief discussion titled Managing Nonpoint Source Pollution. This section starts by identifying that more than 80% of waterbodies assessed are impacted by nonpoint sources of pollution, and then goes on to list just a few activities to be undertaken by USEPA, state, tribal, local governments and community, including ensuring existing grants comply with applicable policies. There needs to be an acknowledgement that Clean Water Act Section 319 mandates the Administrator to make grants to support nonpoint source management programs (see USC 1329(h), (i)). This NPM Guidance asserts through its elimination of the Clean Water Act Section 319 program that the USEPA has the authority to eliminate this Congressionally established program. The Tribe does not agree with this assumption and interjects that Congress created the Clean Water Act to include funding for Section 319 activities for reducing nonpoint sources of pollution which the USEPA confirms in this NPM Guidance continues to be an issue for more than 80% of waterbodies. The Tribe asserts that the Clean Water Act Section 319 Program must continue and not be eliminated from the NPM</p>	<p>The Big Pine Tribe of the Owens Valley</p>	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.</p>

<p>Water Quality/Tribal Status</p>	<p>The USEPA acknowledges it has no direct regulatory authority over nonpoint sources, but works with state and local partners to minimize their impact. However, Tribes are not identified as a specific partner that EPA will be working with. Tribes need to be identified in the same breath as states signifying the unique status afforded to Tribes.</p>	<p>The Big Pine Tribe of the Owens Valley</p>	<p>Thank you for the comment. The EPA agrees that Tribes are critical partners and should be included with states when water quality partnerships are described.</p>
<p>Protect Human Health: - Tribal Partnership in National Drinking Water Regulations.</p>	<p>The NTWC supports including critical elements of the Drinking Water Plan into the NWPG, especially revisions of the Lead/Copper Rule (LCR). The oversight role of U.S. Environmental Protection Agency (EPA) is essential in assuring Tribal communities have access to safe drinking water from tribal and nontribal operated drinking water facilities. The challenges associated with lead contamination in drinking water are a priority for tribal communities. Drinking water for many American Indian and Alaskan Native (AI/AN) homes is provided drinking water through lead service lines and lead contaminated household fixtures. Addressing these challenges through implementation of revisions to the LCR is vital to protect tribal communities from lead contamination.</p> <p>Although, the FY 2018-2019 NWPG does not directly mention the Drinking Water Plan as a principle document for addressing revisions to the LCR, it does however, identify EPA, State, and Tribal activities which support reduction of lead contamination to drinking water systems. Implementation of these activities will benefit AI/AN communities as LCR revisions are processed and moved forward over the next two years.</p>	<p>National Tribal Water Council</p>	<p>The EPA is currently reviewing the LT-LCR.. Tribal communities have the opportunity to provide input on the EPA's proposed revisions to the LCR during the public review and comment period. The EPA will carefully consider all public comments in finalizing revisions to the LCR.</p>

<p>Protect Human Health: - Tribal Partnership in National Drinking Water Regulations.</p>	<p>The NTWC is encouraged that OW is collaborating with Indian Health Service (IHS) in considering a replacement measure for SDW-18. N11: -Number of American Indian and Alaskan Native homes provided access to safe drinking water in coordination with other federal agencies.</p> <p>The NTWC supports OW's continued collaboration with IHS in looking at ways to improve the evaluation of providing tribal access to safe drinking water. Both the OW and NTWC have acknowledged the importance of keeping this measure moving forward. The NTWC requests that OW continue to work with IHS to replace this measure as soon as possible.</p>	<p>National Tribal Water Council</p>	<p>The EPA, in collaboration with IHS, was able to develop a methodology that will allow the EPA to resume reporting progress on this measure. At this time, the Office of Water is finalizing the NWPG and the Agency expects to resume reporting on this measure in FY 2018.</p>
<p>Protect Human Health: - Tribal Partnership in National Drinking Water Regulations.</p>	<p>EPA collaboration with other agencies is critical to strengthening and maintaining tribal drinking water infrastructure to AI/AN populations throughout Indian country. Since 2008, the NTWC has participated in discussions with the multi-agency Federal Infrastructure Task Force (ITF). Working together, the ITF has developed a series of recommendations to address both infrastructure and ongoing operations and maintenance needs in AI/AN communities.</p> <p>It is imperative that the agencies continue to work together with the NTWC and other Tribal representatives through the ITF to ensure the most efficient use of limited resources to provide safe and clean drinking water to disadvantaged AI/AN communities.</p>		<p>The EPA continues to support and participate in the Tribal Infrastructure Task Force (ITF). The Agency values the collaboration between the NTWC and other Tribal representatives through the ITF and supports continued collaboration. The Agency will strive to recommence collaboration efforts between the ITF and NTWC at the earliest possible date.</p>

	<p>In early conversations with OW, the agency indicated that it would continue to participate in the efforts of the ITF and resume multi-agency conference calls. However, since 2016, the NTWC has not participated in or is aware of any ITF calls taking place. Furthermore, the NTWC is concerned that in the FY 2018-2019 NWPG there is no mention of continued EPA support for participation in ITF activities related to drinking water infrastructure or operation and maintenance. The NTWC requests a status update of the ITF and recommends that collaboration efforts recommence at the earliest possible date.</p>		
<p>Protect and Restore Watershed and Aquatic Ecosystems.</p>	<p>The NTWC, working in partnership with the OW, appreciates the opportunities that have been given to provide input on priorities and matrices that may be implemented in the NWPG to define rules and strengthen/increase Tribal roles in the water quality management process.</p> <p>To date, working in partnership has yielded significant progress in supporting tribal assumption of Clean Water Act (CWA) management responsibilities through finalization of certain rules.</p> <p>The NTWC is particularly interested in working with OW in developing measures that track progress on enacted rules for Revised Interpretation of CWA Tribal Provision and Treatment of Indian Tribes in a Similar Manner as States for Purposes of Section 303(d) of the CWA. Implementation and assessment of these rules will assist tribes</p>	<p>National Tribal Water Council</p>	<p>The EPA Office of Water (OW) received the performance measures proposed by the NTWC, and will consider the suggested measures as we continually revise the suite of measures that track the EPA’s work towards our mission of promoting ecological and human health. The EPA appreciates the NTWC’s dedicated partnership in implementing the national water program in Indian country, and looks forward to many more years of productive collaboration.</p> <p>The EPA recommends that tribes obtain TAS status prior to reporting under program specific performance measures under the 303(c) and 303(d) program. In an effort to reduce burden on performance measures reporting and to transition to more ‘outcome’ oriented performance measures, the EPA rolled out new performance measures to report where plans (i.e., TMDLs, alternative restoration and protection approaches) are in place, as well as where water quality standards are now being attained for previously impaired waters. These improved measures will use the Assessment Total</p>

	<p>in moving forward in receiving authorization of CWA regulatory programs.</p> <p>In the fall of 2016, the NTWC submitted written comments identifying matrices to:</p> <ul style="list-style-type: none"> • Track outputs for authorized rules that enhance tribal CWA regulations; • Improve access to safe drinking water; and • Advance implementation of CWA Sections 303(c), 303(d), and 319 Non-point source programs on tribal lands. <p>The NTWC requests ongoing discussions with OW to ensure successful interpretation and implementation of our proposed matrices. Our overall goal is to develop specific measures for evaluating process of implementing these rules and water related matrices in order to consider their inclusion in future NWPG revisions.</p>		<p>Maximum Daily Load Tracking and Implementation System (ATTAINS) as the repository and tool to automate the calculation of this suite of performance measures. The EPA would appreciate working with the National Tribal Water Council to determine if reporting successes for tribes could be included as part of this existing suite of performance measures as well as to develop other programmatic statistics to capture success by tribes.</p> <p>The EPA is also committed to working with Tribal partners to identify new opportunities to better highlight the accomplishments of Tribal nonpoint source programs. We look forward to engaging in discussions with the NTWC and Tribal partners to identify meaningful ways to do this.</p> <p>In the spirit of cooperative federalism, the EPA will also continue providing technical support to and coordinating with states and tribes in their implementation of CWA regulations to improve water quality.</p>
<p>Maintaining High Quality Waters on Tribal lands.</p>	<p>The NTWC and OW recognize the benefit of maintaining high quality waters on Tribal lands. Over the past two years, the NTWC has been working closely with the OW to establish a baseline for tracking tribal water quality monitoring stations on reservation lands. These stations must show no degradation in water quality (WQ - SP14b). Both the NTWC and OW have encouraged tribes to report on their candidate waters and participate in this pilot measure. The desired outcome of this pilot measure is to identify 50 stations that meet the definition of SP14b. The NTWC and OW will continue to identify additional stations which qualify for this pilot</p>	<p>National Tribal Water Council</p>	<p>Thank you for your ongoing support of this measure.</p>

	measure. Establishing long-term viability for this measure remains a high priority.		
Nutrient Reduction Partnership.	<p>As a member of the Gulf of Mexico Hypoxia Task Force (HTF), the NTWC has been working collaboratively and in partnership with states and federal agencies in addressing nutrient pollution threats to our nation's waters.</p> <p>The HTF has provided a non-regulatory approach to improving water quality in the nation's largest watershed area. These efforts have involved making improvements to agricultural best management practices that will yield long term benefits to water quality after decades of nutrient over-enrichment to soils.</p> <p>Measuring and tracking the amount of nutrient pollution is critical. This year, the dead zone area in the Gulf of Mexico is predicted to be the largest ever recorded. This phenomenon is a threaten to the tribal fishing industry in Louisiana.</p> <p>The collaborative approach between members of the Task Force provides a holistic approach to watershed management through shared science and promotion of conservation practices that make good sense. States and tribes collectively provide continuous water quality monitoring data used by USGS to perform critical stream modeling.</p> <p>Non-compliance with water quality standards within the watershed has been an issue. Improving compliance is best achieved through grass roots education and leveraging</p>	National Tribal Water Council	The Gulf of Mexico performance measures have not been eliminated. They have been changed to indicator measures and will be reported on if the program receives funding through the appropriation process.

	<p>of modest levels funding for on- the- ground projects that improve water quality locally.</p> <p>The NTWC’s recommendation is NOT to eliminate work in tracking performance measures to restore water quality in the Gulf of Mexico and Mississippi River Basin, but to continue to fund performance measures GM-01, GM-02, and GM-SP39.</p>		
NTWC General Comments on NWPG for FY 2018- 2019.	<p>A critical concern of many tribes across the nation, including the NTWC, is the alignment of the NWPG programs with the priorities and goals outlined in the President’s FY 2018 Budget. The President’s budget presented to Congress severely decreases or eliminates funding for core tribal water programs.</p>	National Tribal Water Council	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process</p>
Section 319 Funding	<p>The NTWC is extremely concerned that the NWPG specifically identifies the elimination or reduction of funding for CWA Section 319 nonpoint source grants, infrastructure assistance to Alaska Native Villages and the US-Mexico Border, and the regional support for the Great Lakes Restoration Initiative. Continued funding for these vital programs is critical. If approved by Congress, elimination or reduction of funding for water programs will cripple environmental protection across Indian country, putting at risk AI/AN communities and the resources on which they depend for their very existence.</p> <p>CWA Section 319 program funding serves the essential function of supporting tribal efforts specifically focused on nonpoint source pollution which impacts 80% of the nation’s waters. Because the majority of tribal lands</p>	National Tribal Water Council	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.</p>

	<p>are located within rural areas, non-point source pollution poses the greatest risk to AI/AN communities. This type of pollution includes agricultural and pesticide runoff, nutrient and sediment loading, and drought-related climate change stressors. These sources of contamination threaten the safety of our drinking water and create risks to human health from immersion activities such as swimming and ceremonial bathing. The dependence of many Tribes on subsistence fishing and hunting is also threatened. Loss of adequate funding would be devastating.</p> <p>No other funding program administered by EPA or any other federal agency offers the same level of support to tribal nonpoint source management programs addressed by CWA grants. Non-point source projects funded under the CWA are simply not covered under any other federal grant program. To suggest USDA funding can duplicate the range of non-point sources of pollution that Tribal water programs must address ignores the inherent focus of USDA programs on the impacts of agricultural practices.</p> <p>Through the CWA statutory language, Congress has instructed that the EPA Administrator <u>shall</u> make grants available to support nonpoint source management programs (see 33 USC § 1329(h), (i)). It is unclear whether it is within EPA's discretion to eliminate this crucial program or even consider such a drastic change in policy, given the pervasiveness of nonpoint source pollution throughout Indian country and the</p>		
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	complete lack of other funding sources to address the issues.		
Region specific restoration work/GLRI	<p>The NTWC is gravely concerned about the proposed elimination of specific regional efforts. These include the Great Lakes Restoration Initiative (GLRI), the Chesapeake Bay, and other geographic programs. Tribal water quality restoration programs arisen through strong bipartisan support and have been exceptionally effective, both in measurable environmental results and relative to cost.</p> <p>For example, the GLRI has accelerated crucial remedial actions at the U.S. Areas of Concern. It has restored and protected critical habitat and ecosystem function throughout the basin. These actions are clearly and measurably invigorating Great lake communities and economies. The GLRI has also empowered tribes in the Great Lakes basin to protect and restore essential tribal resources. The initiative allows tribes to partner with local, state, federal, and academic organizations and to be fully engaged in critical restoration, planning, and implementation projects funded through capacity building and protect-specific</p> <p>Return on investments for these funds has been favorable. This is a clear and resounding example of how EPA support has advanced tribal capacity to implement our water programs and fulfill our role in protecting water resources for future generations.</p>	National Tribal Water Council	The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.
General	During the Region 6 RTOC in Albuquerque on July 11, I submitted oral comments during the NPM Tribal Consultation Call. Here is a	Rebecca Bond	<ol style="list-style-type: none"> 1. Please see EPA’s Office of Chief Financial Officer’s Response Document 2. Thank you for your comment. The EPA’s

	<p>summary of my comments in a written format.</p> <ol style="list-style-type: none"> 1. The call was not a meaningful example of consultation. EPA finished running through their barely understandable summaries at 2:02 pm MDT. The call was scheduled to end at 2:30 MDT. 28 minutes was not enough time for tribes in attendance to even begin to provide comments on eight guidance documents. The first woman who provided comments said that she felt badly for “taking up too much time”. Rather than say she should feel comfortable making as many comments as she wanted to, an EPA participant encouraged her to submit written comments. The implicit message was, “You are taking up too much time.” The whole experience felt more like EPA checking off the consultation box, rather than a serious effort to receive feedback from tribes. 2. I carefully reviewed two of the Guidances. The OW Guidance contains a distracting number of typographical errors. 3. There are a couple of instances in which there seems to be a huge disconnect between proposed funding and priority issues. For example, 319 is slated to be discontinued or scaled back, and yet nutrient pollution resulting in HABs is identified as a priority issue. Infrastructure assistance to Alaska Native Villages and communities on the US/Mexico border is slated to be discontinued or scaled back, and yet “the 	<p>Assistant Environmental Director</p> <p>Kickapoo Department of Environmental Programs</p>	<p>Office of Water (OW) strives to ensure that materials released to the public meet the highest standard of professionalism, accuracy, and usability.</p> <ol style="list-style-type: none"> 3. Unlike in years past, this guidance is not organized by cross cutting themes or national areas of focus. The EPA acknowledges nutrient pollution, HABs, and infrastructure are salient issues. The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process. 4. The Clean Water Act authorizes the EPA to treat eligible tribes in a similar manner as states for managing and implementing certain environmental programs (including the Water Pollution Control 106 Grant Program.)
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	<p>modernization of outdated infrastructure” is identified as a priority issue.</p> <p>4. On page 22 under the section heading “Expected State, Tribal, Local and Community Activities (Section 106 Grant Guidance)”, the numbered points specifically mention states, territories and interstate commissions, but make no mention of tribes.</p>		
National Water Program	<p>We are strongly opposed to funding cuts of any of these programs. We view the grants and work conducted by the National Water Program as essential in protecting our treaty rights and maintaining our tribal capacity. Again, why are these priorities being determined by the President’s budget? That budget has not been approved by Congress and will likely change. Setting priorities by that budget undermines much of the work that we consider a priority and that we conduct with financial support of the EPA. How will this guidance change with the final budget?</p> <p>At a minimum, the EPA should still continue to collect reporting of performance data and set national targets for eliminated or scaled back programs, such as the Beach grants; nonpoint source grants (Section 319), National Estuary Program/Coastal Waterways; Marine Pollution; and infrastructure assistance to Alaska Native villages and the Mexico Border. The rationale behind these proposed budget cuts are for states and local areas to have more control over these issues and implement at the local-level, it would therefore be important to track how eliminating programs and funding allow states, tribes, and local government to</p>	Makah Tribe	The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.

	<p>maintain programs and capacity to fulfill these responsibilities and meet set goals. The Beach program helps support tribes, states, and local governments in testing water quality for recreation to ensure human health and safety is protected from pollution like fecal coliform. The nonpoint source grants (Section 319) helps support states in setting and meeting water quality standards for pollution sources EPA does not have regulatory authority to address. The National Estuary Program supports the vast majority of Washington State agencies, tribal, and local governmental efforts to protect water quality for the health and vitality of Puget Sound (economically, culturally, and environmentally). Without NEP funding iconic species such as salmon are at risk, including tribal treaty rights to these resources. The federal government has a trust responsibility to federally-recognized tribes. In Washington State there are over 20 treaty tribes that have reserved the right to fish at usual at accustomed places. These programs and funding sources ensure the federal government is meeting their moral and fiduciary responsibility to the treaty tribes. These funding sources provide the states and tribes with the flexibility to address our priorities. Eliminating these programs will severely hamper the ability for tribes to fully implement water programs and environmental programs in Indian country as these programs fund our programs and capacity.</p>		
National Water Program	<p>“The EPA, with state and tribal partners, will continue efforts to reduce people’s risk of illness from exposure to microbial pathogens caused by overflows from CSS’s and SSS’s when swimming in recreational waters. For</p>	Makah Tribe	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance</p>

	<p>more information, visit EPA’s beaches webpage”</p> <p>If BEACH grant funding is eliminated how will states and tribes be able to maintain their monitoring of beaches? This funding helps to supplant limited state funding for monitoring efforts at numerous beaches used for recreation to protect human health.</p> <p>Recreation is a major revenue source for the tribe and we want to ensure people who visit Neah Bay and Washington State are notified if there are contaminants in the water that could make them sick.</p>		<p>documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.</p>
National Water Program	<p>“9. Managing Nonpoint Source Pollution Nonpoint Source (NPS) pollution is responsible for a variety of water quality problems nationwide; of waterbodies that have been assessed and a source of impairment identified, more than 80% are polluted by nonpoint sources. While EPA has no direct regulatory authority over the discharge of non-point sources, the agency does work with our state and local partners to minimize their impact. (See also this guidance’s section on the Nutrient Pollution Partnership)”</p> <p>How does EPA expect states to address nonpoint source pollution if the Section 319 grants are eliminated in the President’s budget?</p>	Makah Tribe	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.</p>
National Water Program	<p>“Review the 2015 Clean Water Rule as directed in the President’s Executive Order and publish for notice and comment a proposed rule rescinding or revising the rule, as appropriate and consistent with law. The EPA and USACE are engaging in a two-step rulemaking process to first replace the 2015 rule with the regulatory approach in place prior to its promulgation and then as a separate second rulemaking effort will be the substantively informed and legally grounded</p>	Makah Tribe	<p>Thank you for your comment. The EPA added your comments on the proposed rule to rescind the Clean Water Rule to the docket.</p>

	<p>revision to the definition of “waters of the U.S.” It is hoped that this rulemaking will be completed by the end of 2017”</p> <p>Our economy and culture are dependent upon clean water and the Makah Tribe does not support the repeal, modification, or replacement of this rule. We do not find that this rule meets any of the criteria from the Executive Order and we support the recent definition of the scope of waters covered under the Clean Water Act. This rule does not eliminate or inhibit jobs; it actually creates and supports them.</p> <p>Fishing is the primary source of employment and the driver of our tribal economy; ceremonial and subsistence fishing is also commonplace and vital in Neah Bay. The quality of the waters throughout regional watersheds affects our fish, and these impacts originate in areas well beyond our own regulatory scope. The anadromous nature of salmon, an iconic species for the entire Pacific Northwest, necessitates a well-coordinated and broad approach to improving water quality. The Clean Waters Rule acknowledges that there are downstream impacts of pollution and protects those who are vulnerable from that pollution.</p> <p>Tourism, another driver of the local economy, also relies on clean water. In Washington State alone, there are 60,250 jobs and \$4.5 billion in annual economic activity connected to hunting, sport fishing, wildlife watching, and commercial fishing, all activities reliant on clean water. In 2014, Washington residents took an estimated 4.1 million trips to the Washington coast, translating to \$481 million in tourism related expenditures that benefited coastal communities. These industries and associated jobs, which benefit from the Clean Waters</p>		
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	<p>Rule, must be weighed with the same value as the industries that claim it is burdensome. The federal government has a trust responsibility to federally-recognized tribes to protect treaty reserved resources for the benefit of the tribes. By reducing the scope of the Clean Waters Rule it will be up to the states, tribes, and local governments to protect water quality, however; by also eliminating Section 319 funding there will be limited to no resources to do so. This puts treaty rights at risk as salmon habitat and water quality will continue to be degraded. The federal government would therefore be derelict in their trust responsibility to the Makah Tribe.</p>		
<p>National Water Program</p>	<p>“WT-SP22: In partnership with the U.S. Army Corps of Engineers, states, and tribes, achieve 'no net loss' of wetlands each year under the Clean Water Act Section 404 regulatory program. ("No net loss" of wetlands is based on requirements for mitigation in CWA 404 permits and not the actual mitigation attained.)”</p> <p>Despite these targets, wetlands are being lost twice as fast as they are being restored. Additionally, the “no net loss” concept is flawed in that historical loss of wetland habitats is not included in the assessment. A baseline of historic wetland distribution and targets for restoration should be included in this target. No net less of our current wetlands should be a priority, but we need to determine the targets for the amount of wetlands we need for habitat function and ecosystem services. Wetlands have been significantly reduced and altered across the country; California has lost nearly 90% of its coastal wetlands. These goals should not only focus on “no net loss” of the remaining 10% of these wetlands.</p>	<p>Makah Tribe</p>	<p>Thank you for your comment. This measure reflects actions specific to section 404 permits issued by the Army Corps of Engineers. The EPA will share your comment with the Corps.</p>

National Water Program	There are 6 pages of “Measures associated with eliminated work,” how does EPA expect states, tribes, and local governments to continue these efforts without funding or programmatic support? What are the pathways EPA plans to take to ensure targets such as acceptable mercury levels in blood of women of childbearing age, beaches being monitored and the public being informed of health risks, nonpoint source pollution (comprising 80% of water pollution), and many more are being addressed? If no pathways are identified, are these no longer considered priorities or concerns of EPA and the federal government?	Makah Tribe	The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.
NPS	<p>According to the draft National Water Program Guidance document, NPS performance measure changes are:</p> <p>Eliminated measures because work will be eliminated: WQ09a-c: annual load reductions of nitrogen, phosphorus and sediment WQ10: number of NPS impairments that have been eliminated through restoration actions</p> <p>Discontinued measure because EPA is working on a potential replacement measure for documenting incremental water quality improvement (potential replacement measure also associated with replacement measures for SP10 and SP11): SP12: improve water quality conditions in impaired watersheds using the watershed approach</p> <p>Implications of NPS performance measure changes:</p>	Colorado Department of Public Health and Environment, Water Quality Control Division	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.</p> <p>The Section 319 measures are not proposed for elimination. They’ve been changed to indicator measures. If the EPA receives funding for the Section 319 program, there will be reporting on these measures.</p>

	<ul style="list-style-type: none">• 319 project funds are distributed through 5 year implementation grants. Projects funded through these existing grants are paying for collection of information to support the state reporting on the previously-defined NPS performance measures. There is value in this information regionally and nationally and the investment is already being/has already been made so the new performance measures should recognize the value of that investment by requesting on-going submittal of WQ09a-c, WQ10 and SP12 information for existing 319 implementation grants. Continued reporting on WQ09a-c, WQ10 and SP12 for existing implementation grants will also ensure everyone understands results still need to be demonstrated from the use of these public funds.• Understanding the state would not want NPS-related performance measures without receiving federal funds to complete NPS work, eliminating project-scale nutrient and sediment load-reduction reporting (WQ09a-c) is contrary to the expectations discussed in 4. Nutrient Reduction Partnership and the new WQ-34 measure. It is also contrary to the replacement discussions the document provides for SP10-12 because tracking nutrient and sediment load reductions is one of the best ways to demonstrate incremental water quality improvement.• Understanding the state would not want NPS-related performance measures without receiving federal funds to complete NPS work, the state in partnership with EPA has invested		
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	<p>significant public funds in systems, methods, approaches, projects, partnerships to make progress in reducing NPS pollution and demonstrating that progress through performance measures that have established a common regional and national language for discussing NPS pollution controls. Abruptly eliminating federal support for NPS work and the associated performance measures will adversely impact the momentum gained and sustainability of programs the state built through these investments and limit the returns gained from these investments.</p>		
<p>TMDLs</p>	<p>According to the draft National Water Program Guidance document, TMDL performance measure changes are:</p> <p>Revised measures: WQ27 and 28 both re-worded with the intent of not changing the meaning/mechanisms for measuring</p> <p>Implications of TMDL performance measure changes:</p> <p>While according to the draft document, the re-wording of WQ27 and WQ28 is intended to result in no substantive changes to the metrics already being used and reported, it appears to me that the re-wording of WQ28 does change its meaning. WQ28 was previously defined to allow states to account for all, statewide work leading up to any final approved TMDLs, i.e., "activities leading to completed TMDLs...". WQ28 now seems to require states to track percent areas associated with statewide impaired</p>	<p>Colorado Department of Public Health and Environment, Water Quality Control Division</p>	<p>Thank you for your comment. The measure calculation has not changed. The change in measure definition was intended to more clearly communicate the measure. Under the WQ-28 performance measure, states will still have the opportunity to track plans that are under development. This capability will be built into the new ATTAINS system, and this piece will be available this winter. The revised text of WQ-28 expressly includes interim progress on plans by including “or progress on such a plan or approach”.</p>

	<p>waterbodies (and state-identified healthy waters) that are addressed by a TMDL or alternative approach plan, not the activities leading to those completed TMDLs. The rewording of WQ28 seems to result in both measures now tracking percent areas covered by TMDLs; one measure is specific to percent of prioritized areas/impairments covered by TMDLs and the second is now specific to percent areas associated with all impaired waterbodies (and state-identified healthy waters) covered by TMDLs. Having two performance measures tracking percent areas covered by completed TMDLs seems duplicative and does not allow states the flexibility to provide reporting information that is more representative of all TMDL work that is actually being accomplished. If the intent really is not to change the substance of WQ28, the revised WQ28 measure description should be re-written to ensure consistency with the previous description of WQ28.</p>		
National Water Program Guidance-Safe Swimming	<p>EPA has not finalized the draft recreational criteria for microcystin and cylindrospermopsin. The draft criteria outlined that states could use the recommended values as water quality criteria and/or swimming advisories, however, since the criteria have not been finalized and the final form of the criteria (advisory versus criteria) have not been finalized, DEQ suggests removal of the guidance language recommending states adopt the criteria into water quality standards. Alternatively; addition of language to recognize the uncertainty of form of the criteria and flexibility in adoption.</p>	Wyoming Department of Environmental Quality	<p>Thank you for your comment. EPA intends to include the following edit to NWPG:</p> <p><i>State, Tribal, Local and Community Activities</i></p> <p><i>1. States and tribes can plan to adopt these criteria once final or scientifically defensible alternatives into their water quality standards (WQS) and submit them to EPA for approval.</i></p>
National Water Program Guidance –	<p>Clarify whether states are ‘expected’, or ‘encouraged’ to incorporate high priority nutrient reduction activities into their</p>	Wyoming Department of Environmental	<p>The EPA and states agree that nutrient pollution is a serious problem in many parts of the country and that concerted efforts are needed to reduce this</p>

<p>Nutrient Reduction Partnership</p>	<p>PPAs. The top of page 21 (Expected State/Tribal/Local/Community Activities) is worded such that one could interpret this to be expected of all states. The proposed metric WQ-34 suggests that it is encouraged, but not required. States should retain the ability to determine whether nutrient reduction activities are high enough priority to the State to include in the PPA, given other priorities and limited resources (e.g., no 319 funding).</p>	<p>Quality</p>	<p>significant threat to human health and the environment. The highest priority work and degree of achievable, near-term progress will vary among states depending on many factors, including progress a state has made to date and the mix of source sectors contributing most greatly to nutrient-related water quality problems. This measure follows up on dialogue between the EPA and state leaders, who agreed that the most appropriate forum for discussing priorities and considering workload tradeoffs is the state-EPA dialogue that occurs as part of developing Performance Partnership Grants and/or Clean Water Act Section 106 grant workplans. This indicator measure tracks whether state-EPA dialogue has occurred regarding appropriate next steps on a state's work, with EPA assistance, to reduce nutrient pollution. The measure provides flexibility for the appropriate outcome of that discussion; EPA Regions and some states may agree that other water quality problems are urgent and may appropriately agree on modest nutrient commitments as part of comprehensive workload planning.</p> <p>“Specific high priority nutrient reduction actions” will vary state by state but could include consideration of a range of potential priorities including but not limited to: ambient water quality monitoring to better understand nutrient levels and effects; developing and applying methodologies that use state narrative criteria to evaluate nutrient-related impairments of the desired uses of waterbodies; developing numeric nutrient criteria; developing nutrient-related TMDLs, TMDL alternatives or watershed management plans; establishing monitoring requirements and, where appropriate, water quality-based permit limits for total nitrogen and total phosphorus in NPDES permits; incorporating BMPs for nutrient management in stormwater permits and management plans; etc. “Strong, incremental progress” will also vary state by state but given the</p>
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National Water Program Guidance – Water Quality Standards Program	Recommend change of language in first sentence from “each U.S. waterbody” to ‘waters of the U.S.’ recognizing the Clean Water Act does not apply to each U.S. waterbody.	Wyoming Department of Environmental Quality	Thank you for your comment.
National Water Program Guidance – Water Quality Standards Program	Recommend addition of “ EPA will provide early agreement on triennial review schedule and early meaningful comment on standards revisions to improve the timeliness of standards submission approvals.	Wyoming Department of Environmental Quality	Thank you for your comment. EPA intends to revise the following language accordingly: <ol style="list-style-type: none"> 1. <i>Enhance the quality and timeliness of the triennial standards reviews required by the Act. To facilitate timely EPA review of standards submissions, EPA recommends that states and tribes reach early agreement with EPA on triennial review priorities and schedules, and coordinate with EPA at critical points. To facilitate timely EPA review of standards submissions, states and authorized tribes should coordinate and communicate their triennial review priorities and schedules with EPA early and throughout the triennial process.”</i>
National Water Program Guidance – Water Quality Standards Program - EPA Activities Number 7:	It would be helpful to list the “other scientific and technical guidance, technical reports, and implementation tools” that have been prioritized for completion during the planning period. Other areas of the document include this level of specificity.	Wyoming Department of Environmental Quality	Thank you for your comment. EPA intends to include the following edits: <ol style="list-style-type: none"> 7. <i>Finalize other scientific and technical guidance, technical reports and implementation tools. EPA plans to revise and update the WQS Handbook to reflect the latest versions to part 40 CFR 131 regulations and updated policies.</i>

<p>National Water Program Guidance – Water Quality Standards Program - State and Tribal Activities (Section 106 Program Grant Guidance) Number 1:</p>	<p>Recommend modifying language to “To facilitate timely EPA review and approval of standards submissions, states and tribes should communicate triennial review priorities and schedules to EPA and coordinate with EPA at critical points.” It is important to remove “reach early agreement with EPA on triennial review priorities” since determining triennial review priorities should be left to States.</p>	<p>Wyoming Department of Environmental Quality</p>	<p><i>Thank you for your comment. EPA intends to revise the following language accordingly: Enhance the quality and timeliness of the triennial standards reviews required by the Act. To facilitate timely EPA review of standards submissions, EPA recommends that states and tribes reach early agreement with EPA on triennial review priorities and schedules, and coordinate with EPA at critical points. To facilitate timely EPA review of standards submissions, states and authorized tribes should coordinate and communicate their triennial review priorities and schedules with EPA early and throughout the triennial process.”</i></p>
<p>National Water Program Guidance – Water Quality Standards Program - State and Tribal Activities (Section 106 Program Grant Guidance) Number 2:</p>	<p>Recommend modifying language to “Review new or revised water quality criteria, including EPA’s recent recommendations for certain pollutant affecting human health, for protecting recreational uses, and for ammonia, cadmium, selenium, and copper affecting freshwater aquatic life, and adopt new or revised criteria where appropriate.”</p>	<p>Wyoming Department of Environmental Quality</p>	<p>Thank you for your comment. EPA intends to revise the following language accordingly:</p> <p><i>Review the latest scientific information, including EPA’s recent recommendations for certain pollutants affecting human health, for protecting recreational uses and for ammonia, cadmium, selenium and copper affecting freshwater aquatic life and adopt new or revised criteria where appropriate.</i></p>
<p>National Water Program Guidance – Water Quality Standards Program - State and Tribal Activities (Section 106 Program Grant Guidance) Number 3:</p>	<p>Recommend modifying language to “Continue to develop and adopt numeric nutrient criteria for nitrogen and/or phosphorus to protect human health and aquatic ecosystems.”</p>	<p>Wyoming Department of Environmental Quality</p>	<p>Thank you for your comment. EPA intends to revise the following language accordingly:</p> <p><i>Adopt numeric water quality criteria for nitrogen and phosphorus to help address nutrient pollution affecting human health and aquatic ecosystems;</i> <i>Continue to develop and adopt numeric nutrient criteria for nitrogen and phosphorus to protect</i></p>

			human health and aquatic ecosystems from the effects of nutrient pollution.
National Water Program Guidance – Water Quality Standards Program - Subsection 13: Recommended Numeric Nutrient Criteria for Lakes and Reservoirs in the Continental United States.	The opening sentence mentions toxins from harmful algal blooms, however, the remainder of the section does not mention toxins or bluegreen algae. Recommend clarifying how the recommended criteria relate to toxins. For example, are the recommended total phosphorus and/or total nitrogen criteria intended to maintain cyanobacteria densities below thresholds that will produce toxins?	Wyoming Department of Environmental Quality	There is widespread agreement within the scientific community that the incidence of harmful algal blooms is increasing both in the U.S. and worldwide. This recent increase in the occurrence of HABs has been attributed to increasing anthropogenic activities and their interaction with factors known to contribute to the growth of cyanobacterial blooms, including excess nutrients. Point sources (which may include discharges from sewage treatment plants and confined animal feeding operations) and non-point sources (which may include diffuse runoff from agricultural fields, roads and stormwater), may be high in nitrogen and phosphorus and can promote or cause excessive fertilization (eutrophication) of both flowing and non-flowing waters.
National Water Program Guidance – Water Quality Standards Program - Subsection 13: Recommended Numeric Nutrient Criteria for Lakes and Reservoirs in the Continental United States. - State, Tribal, Local and Community Activities	Recommend modifying language to “States and Tribes can plan to review these criteria and either adopt these criteria or continue to develop and adopt scientifically defensible alternatives into their water quality standards and submit them to EPA for approval.”	Wyoming Department of Environmental Quality	The EPA's recommended water quality criteria are not rules, nor do they automatically become part of a state's water quality standards. States must adopt into their standards water quality criteria that protect the designated uses of the water bodies within their area. These can include scientifically defensible site-specific criteria that are different from the EPA's national recommended criteria, as long as the site-specific criteria are protective of the designated use. Water quality criteria are not effective under the Clean Water Act until they have been adopted into state water quality standards and approved by the EPA.
National Water Program Guidance – Appendix A – Performance Measures (WQ-01a and WQ-01d)	Recommend reviewing this performance measure since the measure is confusing. Also recommend reviewing because adopting criteria for “all waters” within a category is difficult and may not sufficiently show incremental progress.	Wyoming Department of Environmental Quality	WQ-1a and WQ-1d were designed to focus on the causal parameters of nutrient pollution. WQ-1a indicates what criteria adoptions are completed while WQ-1d helps identify what criteria are planned.

<p>National Water Program Guidance – Appendix A – Performance Measures (Proposed WQ-34)</p>	<p>Please clarify as to whether nutrient reduction activities in the PPA will be ‘expected’, or ‘encouraged’. Also, clarification on "specific" high priority nutrient reduction activities would be helpful.</p>	<p>Wyoming Department of Environmental Quality</p>	<p>The EPA and states agree that nutrient pollution is a serious problem in many parts of the country and that concerted efforts are needed to reduce this significant threat to human health and the environment. The highest priority work and degree of achievable, near-term progress will vary among states depending on many factors, including progress a state has made to date and the mix of source sectors contributing most greatly to nutrient-related water quality problems. This measure follows up on dialogue between the EPA and state leaders, who agreed that the most appropriate forum for discussing priorities and considering workload tradeoffs is the state-EPA dialogue that occurs as part of developing Performance Partnership Grants and/or Clean Water Act Section 106 grant workplans. This indicator measure tracks whether state-EPA dialogue has occurred regarding appropriate next steps on a state's work, with EPA assistance, to reduce nutrient pollution. The measure provides flexibility for the appropriate outcome of that discussion; EPA Regions and some states may agree that other water quality problems are urgent and may appropriately agree on modest nutrient commitments as part of comprehensive workload planning.</p> <p>“Specific high priority nutrient reduction actions” will vary state by state but could include consideration of a range of potential priorities including but not limited to: ambient water quality monitoring to better understand nutrient levels and effects; developing and applying methodologies that use state narrative criteria to evaluate nutrient-related impairments of the desired uses of waterbodies; developing numeric nutrient criteria; developing nutrient-related TMDLs, TMDL alternatives or watershed management plans; establishing monitoring requirements and, where appropriate, water quality-based permit limits for total nitrogen and total phosphorus in NPDES permits; incorporating BMPs for nutrient</p>
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			management in stormwater permits and management plans; etc. “Strong, incremental progress” will also vary state by state but given the significant, widespread impacts on water quality, it is important that states commit to making demonstrable progress on the most important actions that are appropriate for their circumstances and then document follow-through on these commitments.
National Water Program Guidance – Appendix A – Performance Measures (Proposed WQ-35)	In general, we support the concept of the proposed measure WQ-35, Progress on Meeting Water Quality Standards in Waters Targeted for Local Action, however, we believe there could be a better way to capture water quality improvements from restoration efforts. Doing so could be a major undertaking and needs state participation early in the process and throughout the process. For example, it would be helpful to know if EPA is going to try to bring in project information from GRTS into ATTAINS and how this might affect what data entry states are required to provide for their 319 projects. Goals for this measure need to consider eliminated 319 funding if that does indeed happen (i.e., progress towards restoration of NPS activities will be slower without 319 funds).	Wyoming Department of Environmental Quality	Thank you for your comment. The EPA’s intent is to streamline this process, and use information that states report to EPA under CWA Sections 303(d) and 305(b). Assuming 319 funding, the EPA anticipates further integrating data from the section 319 grants reporting and tracking system (GRTS) with ATTAINS so that state Nonpoint source projects and success stories can be tracked and displayed with other ATTAINS data.
National Water Program Guidance – Appendix A – Performance Measures (Eliminated Work WQ-10)	Even if the 319 program is eliminated for FY18, we suggest that states may be able to report waterbodies successfully restored due to NPS efforts from projects that have recently been completed. While we recognize the rationale for eliminating it, we don't think it's useful to have a state not be able to report on this metric in FY18 if a successful restoration occurs from projects completed prior to FY18. We don't believe there should be a goal for this measure for FY18 if it's kept, but states should be able to	Wyoming Department of Environmental Quality	All measures associated with eliminated programs in the FY 2018 President’s Budget (including NPS measures) are converted into indicators in the FY 2018-2019 National Water Program Guidance. This means that states, tribes, and regions will still track and report on these programs, but will not set targets or commitments for the metrics.

	report on it since it has been the main "success" measure for NPS Programs.		
National Water Program Guidance – Appendix A – Performance Measures (Discontinued WQ-SP12)	This is a confusing measure and we would support efforts to develop a replacement measure. However, we do encourage EPA to work with the States/Tribes (and not just Regional Offices) to develop a measure that documents incremental water quality improvement.	Wyoming Department of Environmental Quality	Thank you for your comment. The EPA will work with states, territories, and tribes on these discussions.
Funding and Discontinued Measures	<p>The Confederated Tribes of the Grand Ronde Community of Oregon (Grand Ronde or Tribe) has an inherent responsibility to protect the natural and cultural resources that support its tribal members' health and wellness, and the NPM Guidance have the potential to significantly affect not only the health and wellness of the Tribe and its members, but also the treaty rights that were established and agreed upon by the member Tribes and the United State Government. Of particular concern are several discontinued measures under the National Water Program Guidance related to reduced monitoring, reduced riparian restoration under the 319 Program (a program heavily utilized by the Tribe), and fish contamination monitoring as it relates to human health. The specific discontinued measures and their corresponding ACS Code are as follows: FS-SP6.N11, SS-2, WQ-09a/b/c, CO-02, CO-06, CO-432.N11, CO-SP20.N11, WT-01, CB-SP35/36/37, PS-SP51, and CR-SP53/54.</p> <p>While the Tribe understands both limited funding and EPA capacity to carry out all of the guidance measures, the Tribe has an inherent responsibility to protect the natural and cultural resources that support its Tribal members' health and wellness. The NRD strongly encourages the EPA to remember its federal trust responsibility to Grand Ronde</p>	Confederated Tribes of the Grand Ronde Community of Oregon Natural Resources Department (NRD)	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.</p> <p>All measures associated with eliminated programs in the FY 2018 President's Budget (including NPS measures) are converted into indicators in the FY 2018-2019 National Water Program Guidance. This means that states, tribes and regions will still track and report on these programs, but will not set targets or commitments for the metrics.</p>

	and its people and to consider the effects of discontinuing some of the Guidance measures, and also requests that the EPA explore additional mechanisms by which the discontinued measures might be implemented, even without the appropriate funding. Regardless of whether funding is provided, the EPA still has a responsibility to uphold its regulatory commitments.		
Clean Water Act 106 Program	<p>In 1989, the CSKT received approval for “<i>treatment as a state</i>” (TAS) status under Section 106 of the CWA and received TAS for Section 303 Water Quality Standards in 1992.</p> <p>Waters of the Tribe on the Flathead Indian Reservation (FIR) include part of three river drainages (Flathead, Jocko, and Little Bitterroot). Flathead Lake is the largest, natural, freshwater lake in the western United States. FIR contains the largest irrigation project in Montana, and one of the largest Bureau of Indian Affairs irrigation projects nationwide.</p> <p>All of the above mentioned water resources would be impacted if GAP funds are not maintained at current fiscal FY2017 levels.</p>	Randy Ashley Environmental Protection Division, Natural Resource Department, Confederated Salish and Kootenai Tribes	The Agency has received comments regarding the funding levels requested for the EPA in the President’s Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.
Implementation of Fed Env Programs	The NPM fails to mention the Advance Notice of Proposed Rulemaking - Federal Baseline Water Quality Standards for Indian Reservations. More than 40 years after the adoption of the Clean Water Act, fewer than 50 of over 300 tribes with reservation lands have WQS effective under the CWA, leaving a gap in CWA protection of human health and the environment. Federal baseline WQS—which could include designated uses, narrative and numeric criteria, antidegradation requirements, and other WQS policies such as a mixing zone policy, a	R10 Tribal Operations Committee	Thank you for your comment. The EPA is still considering this opportunity and will consider comments received during the ANPRM public comment period in any Agency decision moving forward.

	compliance schedule authorizing provision, and a WQS variance procedure—can provide an important tool for tribes and EPA to use in making defensible, site-specific decisions that protect reservation waters. The NPM should prioritize completing this rulemaking process.		
Transboundary Water Impact	The NPM fails to mention EPA’s ongoing work and commitment to addressing transboundary water issues. There are a significant number of mining proposals in western Canada that threaten tribal resources and communities in Alaska. EPA’s ongoing efforts to address transboundary water issues need to be addressed.	R10 Tribal Operations Committee	EPA’s Office of Water (OW) and the Regions will continue to work with the Office of Intergovernmental and Tribal Affairs (OITA) on the challenges posed by water pollution that crosses national boundaries.