

***EPA Region 8 State Directors Meeting
May 26 – 27, 2010***



Agenda Region 8 State Directors Meeting May 26 – 27, 2010			
Wednesday May 26, 2010	Activity	Lead	Page Ref
8:30 AM	Coffee, Rolls	Jack Hiding	
8:50	Logistics	Jack Hiding, Director State Assistance Program	
9:00	Welcome and Introductions	Jim Martin, EPA R8 RA	
9:15	Climate Change <ul style="list-style-type: none">• GHG Reporting Rule• GHG Tailoring Rule• Vehicle GHG and Fuel Economy rule• Sequestration Rule• GHG Legislative Update	Laura Farris / EPA Climate Change Division	4
9:45	Q&A and Discussion on GHGs	EPA HQ Juan E. Santiago	
10:15	NPDES Pesticides Permit	Sandra Stavnes	8
10:40	Communities	Cindy Cody	
	<ul style="list-style-type: none">• HUDDOT/EPA Sustainable Communities		9,25
	<ul style="list-style-type: none">• Salt lake City Project	Amanda Smith/ Debra Thomas	27
11:05	Break (10 Minutes)		
11:15	State Directors address EPA Staff in the Atrium		
12:15	Working Lunch		
12:30	Budgets and ARRA Status	Judy Wong	
	<ul style="list-style-type: none">• EPA Budget Summary – STAG FY 11		28
	<ul style="list-style-type: none">• FY 10 Appropriation		30
	<ul style="list-style-type: none">• STAG 2 year Grant Summary		31
	<ul style="list-style-type: none">• ARRA April 2010 Report		33
12:45	Water Quality I	Sandra Stavnes	
	<ul style="list-style-type: none">• Sustainable Infrastructure, Water Sense/Water Conservation		34
	<ul style="list-style-type: none">• Green Projects/SRF Funding		36
	<ul style="list-style-type: none">• Effluent Guidelines		37
1:30	Water in the West – Introductory Remarks (Quantity and Quality)	Jim Lochhead	38
2:30	Water Quality II		
	<ul style="list-style-type: none">• Managed Grazing/Watershed Health	Leonard Blackham	
	<ul style="list-style-type: none">• Nutrients	Bert Garcia	39
	<ul style="list-style-type: none">• TMDLs		40
3:00	Break (15 minutets)		
3:15	SPCC Rule	Kathie Atencio	45
3:30	Enforcement		
	<ul style="list-style-type: none">• Clean Water Action Plan	Mike Gaydosh/John Corra	47
	<ul style="list-style-type: none">• Enforcement Priorities	Mike Gaydosh	49
4:15	End of the Day		

Agenda Region 8 State Directors Meeting May 26 – 27, 2010			
Wednesday May 26, 2010	Activity	Lead	Page Ref
5:00	Social at the Denver Marriot		
6:40	Rockies vs Diamondbacks		
Thursday May 27			
8:15 AM	Coffee and rolls		
8:30	Air Quality		
	• Regional Haze	Callie Videtich	53
	• Rural Ozone	Callie Videtich/John Corra	51
	• Tri State Air Quality Collaboration	Callie Videtich/ Martha Rudolph	53
9:15	Energy Round Table	Steve Tuber	54
10:15	Work Sharing and Streamlining Work Processes (LEAN)	Carol Rushin Callie Videtich	55
11:00	Priorities		
	• Administrator's Priorities	Carol Rushin	56
	• Regional and State Priorities		57
11:45	Summary and Review of Action Items	Jim Martin	
	Background		
	CAFO		62
	E-15		63
	Lead RRP		64
	Enforcement Goals		66
	Enforcement Background		67
	National Environmental Exchange Network - CROMERR		71

Summary of EPA GHG Regulatory Actions

Mandatory Reporting of GHGs Rule (MRR)

Status: Final rule signed 9/22/09 and published on 10/30/09, effective 12/29/09

Web page: <http://www.epa.gov/climatechange/emissions/ghgrulemaking.html>

Summary:

- Required under FY2008 Consolidated Appropriations Act
- Covers CO₂, CH₄, N₂O, HFC, perfluorocarbons (PFC), sulfur hexafluoride (SF₆), and other fluorinated gases including nitrogen trifluoride (NF₃) and hydrofluorinated ethers (HFE)
- Will cover ~10,000 facilities accounting for ~85 % of GHG emissions
- Annual reporting of GHGs by:
 - 31 of 42 emissions sources
 - 5 types of suppliers of fuel and industrial GHGs
 - Motor vehicle and engine suppliers (except light duty sector)
- 25,000 MT CO₂e per year reporting threshold
- Monitoring begins 1/1/2010; first reports due 3/31/2011
- Direct electronic reporting to EPA
- EPA to verify data
- Manure management systems were also included in the final rule, but are exempt from reporting for calendar year 2010 due to a Congressional restriction in EPA's FY2010 appropriations prohibiting the expenditure of funds for this purpose. The restriction only applies to EPA in FY2010, unless it is extended.
- Four amendments to the rule were proposed on March 22, 2010: 1) Corporate Parent and NAICS Code Requirements, 2) Oil and Natural Gas Systems GHG Reporting Requirements, 3) Additional Sources of F-GHG Reporting Requirements, and 4) Carbon Dioxide Injection and Geologic Sequestration Reporting Requirements.

Prevention of Significant Deterioration and Title V “GHG Tailoring Rule”

Status: Final rule signed on May 13, 2010, not published as of 05/19/10

Web page: <http://www.epa.gov/nsr/actions.html#2010>

- Sets thresholds for GHGs that define when permits under the New Source Review Prevention of Significant Deterioration (PSD) and title V Operating Permit programs are required for new and existing industrial facilities.
- Without this tailoring rule, the lower emissions thresholds would take effect automatically for GHGs on January 2, 2011. PSD and title V requirements at these thresholds would lead to dramatic increases in the number of required permits —tens of thousands of PSD permits and millions of title V permits. State, local, and tribal permitting authorities would be overwhelmed and the programs’ abilities to manage air quality would be severely impaired.
- Addresses emissions from six GHGs that may be covered by an EPA rule controlling or limiting their emissions: CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆.
- EPA will phase in the CAA permitting requirements for GHGs in two initial steps.

Summary of EPA GHG Regulatory Actions

Step 1. (January 2, 2011 –June 30, 2011)

- Only sources currently subject to the PSD permitting program (i.e., those that are newly-constructed or modified in a way that significantly increases emissions of a pollutant other than GHGs) would be subject to permitting requirements for their GHG emissions under PSD.
- For these projects, only GHG increases of 75,000 tpy or more of GHGs would need to determine the Best Available Control Technology (BACT) for their emissions.
- Similarly, for the operating permit program, only sources currently subject to the program (i.e., newly constructed or existing major sources for a pollutant other than GHGs) would be subject to title V requirements for GHG.

Step 2. (July 1, 2011 to June 30, 2013)

- Step 2 will build on Step 1. In this phase, PSD permitting requirements will cover for the first time new construction projects that emit GHG emissions of at least 100,000 tpy even if they do not exceed the permitting thresholds for any other pollutant.
- Modifications at existing facilities that increase GHG emissions by at least 75,000 tpy will be subject to permitting requirements, even if they do not significantly increase emissions of any other pollutant.
- In Step 2, operating permit requirements will, for the first time, apply to sources based on their GHG emissions even if they would not apply based on emissions of any other pollutant. Facilities that emit at least 100,000 tpy CO₂e will be subject to title V permitting requirements.
- EPA estimates that about 550 sources will need to obtain title V permits for the first time due to their GHG emissions. The majority of these newly permitted sources will likely be solid waste landfills and industrial manufacturers. There will be approximately 900 additional PSD permitting actions each year triggered by increases in GHG emissions from new and modified emission sources.

Additional Step 3 Outlined in this Rule

- In this final rule, EPA commits to undertake another rulemaking, to begin in 2011 and conclude no later than July 1, 2012. That action will take comment on an additional step for phasing in GHG permitting, and may discuss whether certain smaller sources can be permanently excluded from permitting. EPA also plans to explore a range of opportunities for streamlining future GHG permitting that have the potential to significantly reduce permitting burdens. EPA will propose viable streamlining options in the “Step 3” rulemaking.
- Step three, if established, will not require permitting for sources with GHG emissions below 50,000 tpy.
- EPA will not require permits for smaller sources in step three or through any other action until at least April 30, 2016.

Light-Duty Vehicle GHG Emissions Standards and CAFE Standards

Summary of EPA GHG Regulatory Actions

Status: Status: Finalized jointly with DOT NHTSA on 4/1/10

Web page: <http://www.epa.gov/otaq/climate/regulations.htm>

Summary:

- Follows the President's National Fuel Efficiency Policy announcement on 5/19/09, covering model years 2012-2016, and ultimately requiring an average fuel economy standard of 35.5 mpg in 2016.
- EPA finalizes the first-ever national GHG emissions standards under the CAA, and NHTSA finalizes CAFE standards under the Energy Policy and Conservation Act.
- The combined EPA and NHTSA standards apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016.
- Requires these vehicles meet an estimated combined average emissions level of 250 grams of CO₂ per mile, equivalent to 35.5 MPG if the automobile industry were to meet this carbon dioxide level solely through fuel economy improvements.
- Will cut CO₂ emissions by approx. 960 million metric tons and save 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016).
- Average cost increase for a 2016 vehicle due to the proposed national program is approx. \$950, but would save approx. \$3,000 over the lifetime of the vehicle.

Geologic Sequestration Rule

Status: Proposed July, 2008, projected final: late 2010

Web page: http://www.epa.gov/safewater/uic/wells_sequestration.html

Summary:

- On July 25, 2008, EPA published proposed Federal Requirements under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO₂) Geologic Sequestration (GS) Wells under the authority of the Safe Drinking Water Act (SDWA). As proposed, the rule creates a new class of injection wells (Class-VI) that would apply to owners and operators of UIC wells injecting CO₂ into the subsurface for the purpose of long-term storage.
- Western states have enormous (several billion metric tons) CO₂ storage capacity. EPA worked closely with many stakeholders including the Department of Energy, the Interstate Oil and Gas Compact Commission, as well as the Ground Water Protection Council (GWPC) representing many State UIC programs, in the development of the draft regulations.
- The public comment period for the proposed rule ended December 24, 2008. A Notice of Data Availability (NODA) was published July 2009 to provide additional research data and to propose the waiver process, which allows injection above the lowermost USDW.
- The proposed rule covers:
 - Geologic site characterization to ensure that GS wells are appropriately sited;

Summary of EPA GHG Regulatory Actions

- Requirements to construct wells with injectate-compatible materials and in a manner that prevents fluid movement into unintended zones;
 - Periodic re-evaluation of the AOR around the injection well to incorporate monitoring and operational data and verify that the CO₂ is moving as predicted within the subsurface;
 - Testing of the mechanical integrity of the injection well, ground water monitoring, and tracking of the location of the injected CO₂ to ensure protection of underground sources of drinking water;
 - Extended post-injection monitoring and site care to track the location of the injected CO₂ and monitor subsurface pressures; and
 - Financial responsibility requirements to assure that funds will be available for well plugging, site care, closure, and emergency and remedial response.
- EPA HQ and workgroup are currently working on response to comments to the draft and NODA, and formulation of the final rule.
 - EPA anticipates publishing its final rule fall 2010.
 - For a State to obtain Class VI well primacy, state regulations will need to be at least as stringent as EPA's. States should be aware of this when developing their own rules.
 - EPA Region 8 can provide support and expertise to states interested in applying for primacy, as well as those developing their own state rules who may not apply for primacy.
 - Delegation of UIC Class VI primacy remains unclear at this point in time. The draft CO₂ rule requests comments on the granting of partial primacy for Class-VI programs, so it is not yet certain a state could apply independent of Classes I, III & V.
 - Disposition of a waiver process to allow injection above the lowermost USDW and the use of aquifer exemptions to allow geo-sequestration within relatively deep USDWs are also still under consideration.

NPDES Pesticides Permit

Background: Why are we here?

- EPA's 2006 rule stating that NPDES permits are not required for pesticide applications applied to or over, including near waters of the U.S., remains in effect until April 9, 2011.
- As of April 10, 2011, discharges into a water of the U.S. from pesticide applications will require coverage under an NPDES permit.

Current Status - EPA Pesticides General Permit

- Public Notice of Draft Permit – May 28, 2010 – June 30, 2010
- Issuance of Final Permit – Dec 2010
- Pesticide uses to be covered under PGP:
 - Mosquito and Other Flying Insect Pest Control
 - Aquatic Weed and Algae Control
 - Aquatic Nuisance Animal Control
 - Forest Canopy Pest Control

EPA estimates PGP will cover approximately 35,000 applicators.

NOI – Who files?

- NOIs will be required for entities that exceed an annual treatment area threshold.
- Entity responsible for deciding to conduct the pesticide applications, as opposed to the person performing the applications, if different.
- General annual treatment thresholds: 640 acres for applications not directly to water (mosquito and forest canopy), 20 acres or 20 linear miles for applications to water.

Region 8 activities:

- Continue monthly calls with State Environmental and Agricultural Agencies to discuss EPA's proposed permit, state permit development and implementation issues.
- Conduct "listening sessions" for states and regulated community after EPA permit is issued to share information and obtain feedback.
- Facilitate effective communication for states with EPA headquarters Office of Water and Office of Enforcement and Compliance Assistance.

Questions for discussion:

- 1) Do states have any concerns about developing and implementing this permit?
- 2) What additional actions could Region 8 take to support states in ensuring their permits are issued by April 9, 2011?
- 3) Are states planning on covering any other application types that are not covered under the PGP?
- 4) What are states outreach plans to ensure applicators know they are covered under the PGP and may need to file a NOI?



Leveraging the Partnership:

April 2010

DOT, HUD, and EPA Programs for Sustainable Communities

This guide to federal programs is intended to help communities identify resources available to support their efforts to promote livable and sustainable communities.

In June 2009, the Partnership for Sustainable Communities was formed by the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA).

These three agencies have pledged to ensure that housing and transportation goals are met while simultaneously protecting the environment, promoting equitable development, and helping to address the challenges of climate change.

The following Livability Principles are guiding their work:

- *Provide more transportation choices.*
- *Promote equitable, affordable housing.*
- *Enhance economic competitiveness.*
- *Support existing communities.*
- *Coordinate and leverage federal policies and investment.*
- *Value communities and neighborhoods.*

U.S. DEPARTMENT OF TRANSPORTATION

The U.S. Department of Transportation serves the United States by ensuring a fast, safe, efficient, accessible, and convenient transportation system that meets our national interests and enhances the quality of life of the American people, both today and into the future.

DOT will work to promote livable communities and enhance the economic and social well-being of all Americans by creating and maintaining a safe, reliable, integrated, and accessible transportation network. A multimodal transportation system increases choice, provides easy access to employment opportunities and other destinations, and improves the surrounding community. DOT will work to build on innovative ways of doing business that promote mobility and enhance the unique characteristics of our neighborhoods, communities, and regions.



DOT Secretary Ray LaHood

Transportation Investment Generating Economic Recovery (TIGER): The TIGER Discretionary Grant Program was included in the American Recovery and Reinvestment Act to spur a national competition for innovative, multimodal, and multi-jurisdictional transportation projects that promise significant economic and environmental benefits to an entire metropolitan area, a region, or the nation. In February 2010, DOT selected 51 projects to be funded with the \$1.5 billion allocated in the Recovery Act, including improvements to roads, bridges, rail, ports, transit and intermodal facilities. In FY 2010, DOT will be competitively selecting a second round of projects under the TIGER program. Up to \$600 million will be funded, including up to \$35 million set aside for planning projects. The solicitation is expected later in FY 2010.

<http://www.dot.gov/recovery/>

Transportation and Climate Change Clearinghouse: This is US DOT's one-stop source of information on transportation and climate change issues. It includes information on greenhouse gas (GHG) inventories, analytic methods and tools, GHG reduction strategies, potential impacts of climate change on transportation infrastructure, and approaches for integrating climate change considerations into transportation decision making. <http://climate.dot.gov/>

Joint Federal Transit and Federal Highway Administration Programs

Transportation Planning Capacity Building Program: This FHWA/FTA comprehensive program provides training, technical assistance, and support to help decision makers,

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Please Note:

The following funding and technical assistance programs are not a complete list of DOT, HUD, and EPA grant and technical assistance programs. These programs are included here because of their connection to the principles of the Partnership for Sustainable Communities.



Leveraging the Partnership: DOT, HUD, and EPA Programs



transportation officials, and staff resolve the increasingly complex issues they face when addressing transportation needs in their communities. Resources available through this program address topics such as land use, scenario planning, transit-oriented development, non-motorized transportation, safety, community impact assessments, operations and management strategies, and analysis methods. This program is targeted to tribal, regional, state, and local governments; transit operators; and community leaders. <http://www.planning.dot.gov>

Metropolitan & Statewide Planning Formula Grant

Programs: These programs, jointly administered by FTA and FHWA, provide formula funding to support cooperative, continuous, and comprehensive planning for making transportation investment decisions in metropolitan areas and statewide. Eligible recipients include state departments of transportation and metropolitan planning organizations.

http://www.fta.dot.gov/funding/grants/grants_financing_3563.html and
<http://www.fhwa.dot.gov/planning/>

Federal Transit Administration — <http://www.fta.dot.gov/livability>

A safe, reliable, integrated, and accessible transportation system supports communities, expands business opportunities, and improves people's quality of life while also creating jobs. FTA programs offer different opportunities for funding transportation planning and projects that can assist your community's development and stimulate America's neighborhoods to become safer, healthier, and more environmentally sustainable. FTA provides stewardship of combined formula and discretionary programs totaling more than \$10 billion to support a variety of locally planned, constructed, and operated public transportation systems throughout the United States. Public transportation systems typically include buses, subways, light rail, commuter rail, streetcars, monorail, passenger ferry boats, inclined railways, or people movers.

Formula Funding Programs for Transit

Urbanized Areas Formula Grant Program: This program makes federal resources available via formula allocation to transit agencies in urbanized areas over 200,000 in population and to governors for transit capital and operating assistance in urbanized areas between 50,000 and 200,000 in population. Funding can be used for planning, engineering design and evaluation of transit projects, and other technical transportation-related studies. Funding can also be used for capital investments in bus and bus-related activities such as replacement, overhaul, and rebuilding of buses. For urbanized areas with populations of 200,000 or more, at least one percent of the funding apportioned to each area must be used for transit enhancement activities such as historic preservation, landscaping, public art, pedestrian access, bicycle access, and enhanced access for persons with disabilities.

http://www.fta.dot.gov/funding/grants/grants_financing_3561.html

Rail and Fixed Guideway Modernization Formula Program: This program provides funding via formula allocation to transit agencies with a fixed guideway transit system. A "fixed guideway" refers to any transit service that uses exclusive or controlled rights-of-way or rails, entirely, or in part. The term includes heavy rail, commuter rail, light rail, monorail, trolleybus, aerial tramway, inclined plane, cable car, automated guideway transit, ferryboats, that portion of motor bus service operated on exclusive or controlled rights-of-way, and high-occupancy-vehicle (HOV) lanes. Funds can be used to modernize or improve existing fixed guideway systems.

http://www.fta.dot.gov/funding/grants/grants_financing_3558.html



Federal Transportation Programs, continued

Rural and Small Urban Area Formula Grant Program: This program provides critical transit access to residents in nonurbanized areas to employment, health, educational, and other important human services and opportunities. Via formula-based funding to states, this program supports public transportation in areas of less than 50,000 in population. Funds may be used for capital, operating, and administrative assistance to state agencies, local public bodies, Indian tribes, nonprofit organizations, and operators of public transportation services. The Intercity Bus program (5311(f)) under this program supports the connection between nonurbanized areas and the larger regional or national system of intercity bus service. http://www.fta.dot.gov/funding/grants/grants_financing_3555.html

Rural Transit Assistance Program (RTAP): RTAP provides funding to assist in the design and implementation of training and technical assistance projects and other support services tailored to meet the needs of transit operators in nonurbanized areas. RTAP has both state and national program components. http://www.fta.dot.gov/funding/grants/grants_financing_3554.html

Competitive Funding Programs for Transit

Bus and Bus Facilities Discretionary Grant Program: This program provides capital assistance for new and replacement buses, related equipment, and facilities, as well as intermodal transit centers. Funding is available to states for rural and small urban bus and bus facility projects and to transit agencies for projects in urban areas greater than 200,000 in population. While often earmarked by Congress, this program does have competitive opportunities to provide funding for the purchase of bus and bus facilities, which are announced in the Federal Register. http://www.fta.dot.gov/funding/grants/grants_financing_3557.html

New Starts/Small Starts Discretionary Grant Program: These discretionary programs are the federal government's primary financial resource (49 U.S.C. 5309) for supporting the planning, development, and construction of major transit fixed guideway capital projects. New Starts and Small Starts have helped make possible dozens of new or extended transit fixed guideway systems across the country – heavy rail, light rail, commuter rail, bus rapid transit, and ferries. New Starts projects are typically greater than \$250 million in total project cost, requesting greater than \$75 million in New Starts funding. The Small Starts program supports fixed guideway projects smaller than the New Starts cost thresholds. Participation in the New Starts and Small Starts programs requires completion of a legislatively directed process for planning and project development. http://www.fta.dot.gov/funding/grants/grants_financing_3559.html

Public Transportation on Indian Reservations Discretionary Grant Program: Based upon an annual national competitive selection process, FTA awards Tribal Transit grants directly to federally-recognized Indian tribes. Recipients of Tribal Transit Program grants may use these funds for planning, capital and operating assistance for rural public transit services, and support for rural intercity bus service. http://www.fta.dot.gov/funding/grants/grants_financing_3553.html

Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER) Program: TIGGER grants are awarded to public transit agencies for the implementation of new strategies for reducing greenhouse gas emissions or reducing energy usage from their operations. These strategies can be implemented through operational or technological enhancements or innovations. <http://www.fta.dot.gov/tigger>



Paul S. Sarbanes Transit in the Parks Discretionary Grant Program: This program protects environmentally

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Leveraging the Partnership: DOT, HUD, and EPA Programs

sensitive national parks, forests, wildlife refuges, and other federal lands while improving visitor experience through funding for public transportation and other alternative transportation. Administered by FTA in partnership with the Department of the Interior and the Forest Service, the program funds capital and planning expenses for alternative transportation systems such as shuttle buses and bicycle trails in national parks and public lands. The goals of the program are to conserve natural, historical, and cultural resources; reduce congestion and pollution; improve visitor mobility and accessibility; enhance visitor experience; and ensure access to all, including persons with disabilities.

http://www.fta.dot.gov/funding/grants/grants_financing_6106.html



Funding Programs for Transit Serving Target Populations

FTA believes that all segments of the population should have safe, reliable access to public transportation. FTA offers several grant programs tailored to target populations such as the elderly, Americans with disabilities, and low-income workers who face particular challenges with access to critical services. FTA programs provide lifeline services through a "mobility management" approach to ensure access for all Americans to public transportation. FTA is also committed to maintaining affordable transportation services for all communities.

Transportation for Elderly Persons and Persons with Disabilities: This program provides formula funding to states to help private nonprofit groups meet the transportation needs of the elderly and persons with disabilities when transportation service is unavailable or insufficient. Funds are apportioned based on each state's share of population for these groups of people. For persons with mobility limitations related to advanced age, persons with disabilities, and persons struggling for self-sufficiency, transportation within and between communities needs to be as available and affordable as possible. http://www.fta.dot.gov/funding/grants/grants_financing_3556.html

The Job Access and Reverse Commute Program (JARC): JARC provides low-income workers and students with transportation services to jobs, employment centers, and educational institutions. A recent study of the economic benefits of employment-related transportation services concluded that transportation funded through the JARC program provided access to approximately 43.4 million jobs, including 21.2 million low-wage jobs. http://www.fta.dot.gov/funding/grants/grants_financing_3550.html

The New Freedom Formula Grant Program: This program aims to provide additional tools to overcome barriers that Americans with disabilities face when seeking integration into the work force and full participation in society. Lack of adequate transportation is a primary barrier to work for individuals with disabilities. The 2000 Census showed that only 60 percent of people between the ages of 16 and 64 with disabilities are employed. The New Freedom formula grant program seeks to reduce barriers to transportation services and expand the mobility options available to people with disabilities beyond the requirements of the Americans with Disabilities Act (ADA) of 1990. http://www.fta.dot.gov/funding/grants/grants_financing_3549.html

Federal Highway Administration — <http://www.fhwa.dot.gov>

FHWA has broad responsibility for improving mobility and safety on our nation's roads and highways through national leadership, innovation, and program delivery. Although state, local, and tribal governments own most of the nation's highways, FHWA provides financial and technical support to these governments for constructing, improving, and preserving America's highway system. Its annual budget of more than \$30 billion is funded by fuel and motor vehicle excise taxes. The budget is primarily divided between two programs: Federal-aid funding to state and local governments; and Federal Lands Highways funding for national parks, national forests, Indian lands, and other land under federal stewardship.



Federal Transportation Programs, continued

The Federal-Aid Highway Program provides federal financial resources and technical assistance to state and local governments for constructing, preserving, and improving the National Highway System and resources for urban and rural roads that are not on the National Highway System, but that are eligible for federal aid. Below are a few of FHWA's programs that can be used to promote livable community projects.

Pedestrian and Bicycle Safety Program: The goal of this program is to reduce pedestrian and bicyclist fatalities, injuries and crashes and make the Nation's roads safer for these vulnerable road users. This is achieved through conducting research and developing guidelines, tools, and safety countermeasures. In addition, program members focus on crash data to identify crash hot spots and determine lower cost measures to improve safety. Part of the effort includes trying to aggressively reduce pedestrian deaths by focusing extra resources on the states (Arizona, California, Florida, Georgia, Hawaii, Illinois, Nevada, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Texas) and cities (Los Angeles, Phoenix, Chicago, New York City, Washington DC) with the highest pedestrian fatalities and/or fatality rates. http://safety.fhwa.dot.gov/ped_bike/



Recreational Trails Program (RTP): This program provides funds to states to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses. Federal transportation funds benefit recreation, including hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or other off-road motorized vehicles. <http://www.fhwa.dot.gov/environment/rectrails/>

Transportation Enhancement (TE) Program: TE activities offer opportunities to help expand transportation choices and enhance the transportation experience through activities related to surface transportation, including pedestrian and bicycle infrastructure and safety programs, scenic and historic highway programs, landscaping and scenic beautification, historic preservation, and environmental mitigation. TE projects must relate to surface transportation and must qualify under one or more of the eligible categories. <http://www.fhwa.dot.gov/environment/te>

Context Sensitive Solutions (CSS): While not a funding program, CSS is a collaborative, interdisciplinary approach that involves all stakeholders in developing a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic, and environmental resources while maintaining safety and mobility. CSS considers the total context within which a transportation improvement project will exist. CSS principles include the employment of early, continuous, and meaningful involvement of the public and all stakeholders throughout the project development process. The project is designed and built with minimal disruption to the community. <http://www.fhwa.dot.gov/context/>

National Scenic Byways Program: Grants and technical assistance are provided to states and Indian tribes to implement projects on highways designated as National Scenic Byways, All-American Roads, America's Byways, and state scenic or Indian tribe scenic byways and to plan, design, and develop a state or Indian tribe scenic byway program. Funds shall be available for an activity related to the planning, design, or development of a state or Indian tribe scenic byway program; development and implementation of a byway corridor management plan; safety improvements to accommodate increased traffic; improvements that enhance access; protection of resources adjacent to the byway; development and implementation of a marketing program; development and provision of tourist infrastructure; and construction of bicycle and pedestrian facilities, interpretive facilities, overlooks, and other enhancements for byway travelers. <http://www.fhwa.dot.gov/HEP/byways/index.htm>

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Leveraging the Partnership: DOT, HUD, and EPA Programs

Safe Routes to School Program: For infrastructure-related projects, eligible activities are the planning, design, and construction of projects that will substantially improve the ability of students to walk and bike to school. These include sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bike parking, and traffic diversion improvements in the vicinity of schools (within approximately two miles). Such projects may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

Each state must set aside from its Safe Routes to School apportionment not less than 10 percent and not more than 30 percent of the funds for non-infrastructure-related activities to encourage walking and bicycling to school. These include public awareness campaigns and outreach to press and community leaders; traffic education and enforcement in the vicinity of schools; student sessions on bicycle and pedestrian safety, health, and environment; and training of volunteers and managers of Safe Routes to School programs. <http://safety.fhwa.dot.gov/saferoutes/>



Transportation, Community, and System Preservation Program (TCSP): These discretionary funds, usually earmarked by Congress, may be used to carry out eligible projects to integrate transportation, community, and system preservation plans and practices that improve the efficiency of the transportation system of the United States; reduce the impacts of transportation on the environment; reduce the need for costly future investments in public infrastructure; provide efficient access to jobs, services, and centers of trade; examine community development patterns; and identify strategies to encourage private-sector development. <http://www.fhwa.dot.gov/tcsp/>

Towns and cities should contact the Metropolitan Planning Organization (MPO) for their area for prospective projects. A list of MPOs can be found at <http://www.ampo.org/directory/index.php>. For additional information, towns and cities can contact their state department of transportation.

Flexible Programs Under the Federal Highway Administration

Many Federal-Aid Highway programs have specific eligible transit activities identified in legislation. In addition, funds from other programs that do not have specific transit eligibility may be transferred by states to other Federal-Aid Highway programs that do have such eligibility. If funds are transferred from one Federal-Aid Highway program to another, those funds then have the same eligibility as the program that they are transferred to. For example, Interstate Maintenance (IM) funds transferred to the Surface Transportation Program (STP) would have the same eligibility as STP funds.

To transfer funds from FHWA to FTA, the state department of transportation must request that the funds be transferred, with the concurrence of the MPO if the project is within a metropolitan planning area, in a letter to the FHWA Division Office. Funding transfers are permitted only for projects contained in an approved metropolitan transportation improvement program (TIP) and/or statewide transportation improvement program (STIP). http://www.fta.dot.gov/funding/grants/grants_financing_3545.html

Congestion Mitigation and Air Quality (CMAQ) Program: The CMAQ program supports transportation projects or programs that will improve air quality and relieve congestion in areas that do not meet National Ambient Air Quality Standards. Reducing pollution and other adverse environmental effects of transportation projects and transportation system inefficiency have been long-standing DOT objectives. CMAQ funds may be used to establish new or expanded transportation projects or programs that reduce emissions, including capital investments in transportation



Federal Housing and Urban Development Programs

infrastructure, congestion relief efforts, and diesel engine retrofits. Other CMAQ projects include operating assistance for new transit services, travel demand management strategies, traffic flow improvement programs that reduce emissions, and bicycle/pedestrian facilities and programs. <http://www.fhwa.dot.gov/environment/cmaqpgs/>

Surface Transportation Program: The Surface Transportation Program provides flexible funding that may be used by states and localities for projects on any federal-aid highway, including the National Highway System, bridge projects on any public road, transit capital projects, and intracity and intercity bus terminals and facilities. It can be used for a broad array of highway purposes and flexibly used for major transit purposes as well. A few examples include buying buses or rail vehicles or constructing fixed guideway systems like light rail or heavy rail.

<http://www.fhwa.dot.gov/safetealu/factsheets/stp.htm>

National Highway System (NHS) Program: The NHS Program provides flexible funding that may be used by states and localities for projects to make improvements to rural and urban roads that are part of the NHS, including the

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT



HUD Secretary Shaun Donovan

The Department of Housing and Urban Development's mission is to increase homeownership, support community development, and increase access to affordable housing free from discrimination

HUD promotes sustainable communities by coordinating federal housing and transportation investments with local land use decisions in order to reduce transportation costs for families, improve housing affordability, save energy, and increase access to housing and employment opportunities. By ensuring that housing is located near job centers and affordable, accessible transportation, we will nurture healthier, more inclusive communities—which provide opportunities for people of all ages, incomes, races, and ethnicities to live, work, and learn together.

Sustainable Communities — <http://www.hud.gov/sustainability>

HUD's 2010 appropriations include \$150 million for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions and increase the capacity to improve land use and zoning, and \$50 million for an Energy Innovation Fund to enable the Federal Housing Administration and the Office of Sustainable Housing and Communities to catalyze innovations in the residential energy efficiency sector that have promise of replicability and help create a standardized home energy efficient retrofit market. These funds will be allocated as follows:

Sustainable Communities Initiative

- \$100 million for Regional Integrated Planning Grants to support linking integrated housing, transportation, economic development and other land use planning.
- \$40 million for Community Challenge Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities.
- \$10 million for joint HUD/DOT research efforts that shall include a rigorous evaluation of the Regional Integrated Planning Grants and Community Challenge Grants Programs.

Energy Innovation Fund

- \$25 million for an Energy Efficient Mortgage Innovation pilot program directed at the single family housing market.
- \$25 million for a Multifamily Energy Pilot directed at the multifamily housing market.

(Continued on page 8)



Leveraging the Partnership: DOT, HUD, and EPA Programs

Public and Indian Housing

HOPE VI: The Hope VI Program provides competitive funding for the elimination or reclamation of severely distressed public housing developments. Funds can be used for demolition, major rehabilitation, and new construction of public housing; acquisition of sites in other locations for private new construction and supportive services for those relocated by the program. The HOPE VI program promotes the creation of mixed-income communities that are pedestrian-friendly, and transit-accessible. It also encourages high standards of green building for new construction projects through regulation and the prioritization of proposals with green features.

<http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>



Public Housing: The Public Housing Program provides funding to local housing agencies for operating expenses and repairs to public housing developments. Funds are allocated based on the continuing needs of the authorities, especially the number of units they own. Public Housing Authorities (PHAs) are encouraged to use environmentally responsible practices through regulations, guidance, and incentive programs like Energy Performance Contracting (EPC). The EPC program provides funding to make public housing units more resource efficient through the implementation of energy and water conservation measures and the installation of renewable energy systems. By freezing utility subsidies for the length of an EPC contract, PHAs are able to utilize the monetary savings that result from resource-efficiency improvements to repay the upfront costs of those improvements. Historically, the EPC program has generated over \$2 in savings for every \$1 in investment.

<http://www.hud.gov/offices/pih/programs/ph>

Housing Choice and Project-Based Vouchers: Housing Choice and Project-Based Voucher Programs provide funding to local public housing agencies for rental subsidies for units that are chosen by the tenant in the private market (Housing Choice Vouchers) or for use in specific developments or units (Project-Based Vouchers). Housing Choice Vouchers allow tenants more flexibility in deciding the location of their residence, giving them more of an opportunity to live closer to work, family, amenities, or services. <http://www.hud.gov/offices/pih/programs/hcv/about/index.cfm>

Community Planning and Development

Community Development Block Grants (CDBG): The CDBG Program provides formula funding directly to larger cities and counties and through state governments for small units of local government. Funds can be used for most kinds of development as long as it meets one of the following national objectives: 1) benefits low- and moderate-income persons; 2) aids in the prevention or elimination of slum and blight; or 3) meets certain community development needs having a particular urgency. CDBG is a flexible program that provides resources to address a wide range of community and economic development needs, including decent housing, a suitable living environment, and expanded economic opportunity. <http://www.hud.gov/offices/cpd/communitydevelopment/programs>

Section 108 is the loan guarantee provision of the CDBG program that provides public entities loan funds for businesses or other entities to carry out approved economic development, housing, and public facility projects. The public entity may carry out eligible projects itself.

<http://www.hud.gov/offices/cpd/communitydevelopment/programs/108/>

Brownfields Economic Development Initiative (BEDI): BEDI is a competitive program used to spur the return of brownfields to productive economic reuse. BEDI grants must be used in conjunction with a new Section 108 loan. Both Section 108 loan proceeds and BEDI grant funds are initially made available by HUD to public entities approved for assistance. <http://www.hud.gov/offices/cpd/economicdevelopment/programs/bedi/index.cfm>



Federal Housing and Urban Development Programs, continued

HOME Investment Partnership: The HOME Program provides formula funding directly to larger cities and counties, to consortia of local governments, and to state governments. The HOME program is designed to create affordable housing for low-income households and can take the form of direct assistance or loan guarantees. Funds can be used for most kinds of housing development, including acquisition and rehabilitation in the creation of low-income housing. Additionally HOME program funds can be used for homebuyer assistance and for Tenant-Based Rental Assistance. <http://www.hud.gov/offices/cpd/affordablehousing/programs/home>

Housing Opportunities for Persons with AIDS: HOPWA provides formula funding and competitively-awarded grants to states, cities, and nonprofit organizations. Funds can be used to develop and support housing for people with AIDS and may be used for certain supportive services. <http://www.hud.gov/offices/cpd/aidshousing/index.cfm>

Neighborhood Stabilization Program (NSP): NSP comprised two one-time only grants, in 2008 and 2009, to states, local governments, and selected non-profit organizations to help communities address their serious housing foreclosure problems. Funds are being used to acquire and rehabilitate abandoned or foreclosed housing in distressed neighborhoods.

http://portal.hud.gov/portal/page/portal/RECOVERY/programs/NEIGHBORHOOD_STABILIZATION

Homeless Programs: Homeless Programs provide formula and competitive funding to state and local governments and private nonprofit organizations. Competitive funds are awarded in connection with the Continuum of Care planning group, a community-wide group that plans for and provides services to homeless people. Funds can be used for services and for development of emergency shelters and transitional and permanent housing to serve the homeless.

<http://www.hud.gov/offices/cpd/homeless/index.cfm>

Rural Innovation Fund: HUD's FY 2010 appropriations include \$25 million for a new Rural Innovation Fund to address the problems of concentrated rural housing distress and community poverty.



Housing Programs and FHA Mortgage Insurance Resources

Supportive Housing for the Elderly (Section 202) and Supportive Housing for Persons with Disabilities (Section 811): These programs provide competitive funding to nonprofit agencies developing housing for the elderly and persons with disabilities. Funds consist of capital grants to assist in the original construction and annual project rental assistance to support operating and maintenance costs to ensure that rents remain affordable to very low-income people.

<http://www.hud.gov/offices/hsg/mfh/progdesc/eld202.cfm>

<http://www.hud.gov/offices/hsg/mfh/progdesc/disab811.cfm>

Mortgage Insurance for Rental Housing: Several FHA mortgage insurance programs can be used to facilitate the new construction and substantial rehabilitation of multifamily rental projects. Some FHA programs can be used to refinance and acquire existing multifamily projects not requiring substantial rehabilitation. These programs include:

- Mortgage insurance pursuant to Section 220 may be used to insure loans for multifamily housing projects in designated urban renewal areas, code enforcement areas, and other areas that local governments have designated for revitalization. <http://www.hud.gov/offices/hsg/mfh/progdesc/renturbanhsg220.cfm>

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Leveraging the Partnership: DOT, HUD, and EPA Programs

- Mortgage insurance pursuant to Section 221(d)(4) and Section 221(d)(3) may be used to insure mortgages used to construct or substantially rehabilitate multifamily rental housing. The former program may be used by for-profit sponsors and the latter by nonprofit sponsors.
<http://www.hud.gov/offices/hsg/mfh/progdesc/rentcoophs221d3n4.cfm>
- Mortgage insurance pursuant to Section 207/223(f) may be used to insure mortgages made for the purpose of acquiring or refinancing existing multifamily rental housing. Projects requiring substantial rehabilitation are not eligible for the program. <http://www.hud.gov/offices/hsg/mfh/progdesc/purchrefi223f.cfm>
- Eligible owners and purchasers utilizing the above programs apply for the FHA insurance through HUD-approved lenders. The programs have differing maximum mortgage limitations and requirements.

Mortgage Insurance for Condominium Units: FHA also insures mortgages on condominium units in developments that are proposed or under construction, existing projects, or conversions. Generally, approval of the condominium project must be obtained from an authorized lender.

<http://www.hud.gov/offices/adm/hudclips/letters/mortgagee/files/09-46aml.pdf>

<http://www.hud.gov/offices/adm/hudclips/letters/mortgagee/files/09-46bml.pdf>

Housing Finance Agency Risk Sharing Program: Under this program, HUD provides credit enhancement on loans underwritten and closed by a state or local housing finance agency (HFA). Loans made pursuant to Section 542(c) are for affordable housing which includes new construction, substantial rehabilitation, elderly housing, and refinancing. Eligible owners and purchasers apply for the program through the appropriate HFA.

<http://www.hud.gov/offices/hsg/mfh/progdesc/riskshare542b.cfm>

U.S. ENVIRONMENTAL PROTECTION AGENCY

The U.S. Environmental Protection Agency's mission is to protect human health and the environment. Where and how we build communities has a major impact on the environment and on public health. By promoting more environmentally, economically, and socially sustainable communities, EPA can help protect our nation's air, water, land, and people. A clean, green, healthy community is a better place to buy a home and raise a family, it's an appealing place for businesses to locate, and it has the foundations it needs for prosperity. Many EPA programs are aimed at helping tribal, state, and local governments support activities that build more sustainable communities and protect human health and the environment.



EPA Administrator Lisa Jackson

In addition to the resources listed here, EPA programs offer many tools on a variety of topics that communities may find useful.

<http://www.epa.gov/smartgrowth/partnership/tools.html>

Brownfields Remediation and Redevelopment

EPA has a variety of programs to help eligible entities assess, remediate, and restore brownfields sites to productive use and revitalize affected neighborhoods. <http://www.epa.gov/brownfields>

Assessment Grant Program: These grants provide funding to inventory, characterize, assess, and conduct planning and community involvement related to brownfield sites. Grants are for up to \$200,000 to address sites contaminated by hazardous substances, and up to \$200,000 to address sites contaminated by petroleum. Applicants can also apply as an Assessment Coalition (a group of three or more eligible entities) for up to \$1 million.

http://www.epa.gov/brownfields/assessment_grants.htm



Federal Environmental Protection Programs, continued

Revolving Loan Fund (RLF) Grant Program: These grants of up to \$1 million provide funding to capitalize a revolving loan fund. Revolving loan funds can be used to provide no-interest or low-interest loans and subgrants to eligible entities who own the site to carry out cleanup activities at brownfield sites. RLF grants require a 20 percent cost share.

<http://www.epa.gov/brownfields/rlfst.htm>

Cleanup Grant Program: These grants provide funding for a recipient to carry out cleanup activities at brownfields sites that it owns. Sites may be contaminated by hazardous substances and/or petroleum. Grants are up to \$200,000 per site and require a 20 percent cost share.

http://www.epa.gov/brownfields/cleanup_grants.htm

Brownfields Job Training Grant Program: These grants provide funding to eligible entities and nonprofit organizations to help communities take advantage of jobs created by the assessment and cleanup of brownfields. The Job Training Grant Program's goals are to prepare trainees for future employment in the environmental field and to facilitate cleanup of brownfield sites contaminated with hazardous substances. Grants are for up to \$200,000. <http://www.epa.gov/brownfields/job.htm>



Targeted Brownfields Assessments: These assessments are conducted by an EPA contractor, and services can include site assessments, cleanup options and cost estimates, and community outreach. Sites for this program are selected by EPA regional offices. Services can range from several thousand dollars to as much as \$100,000.

http://www.epa.gov/brownfields/grant_info/tba.htm

Technical Assistance to Brownfields (TAB) Program: TAB services are provided to communities, regional entities, and nonprofits who need technical assistance dealing with brownfield sites. The program can also assist communities with applying for EPA brownfields grants or identifying other resources to address their brownfield sites.

http://epa.gov/brownfields/tools/tab_bifold.pdf

Environmental Justice

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across the nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

<http://www.epa.gov/environmentaljustice/>

Environmental Justice Small Grants Program: This program provides financial assistance to eligible organizations to build collaborative partnerships, to identify the local environmental and/or public health issues, and to envision solutions and empower the community through education, training, and outreach.

<http://www.epa.gov/environmentaljustice/grants/ej-smgrants.html>

Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program: This program provides financial assistance to eligible organizations working on or planning to work on projects to address local environmental and/or public health issues in their communities, using EPA's "Environmental Justice Collaborative Problem-Solving Model." <http://www.epa.gov/environmentaljustice/grants/ej-cps-grants.html>

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Leveraging the Partnership: DOT, HUD, and EPA Programs

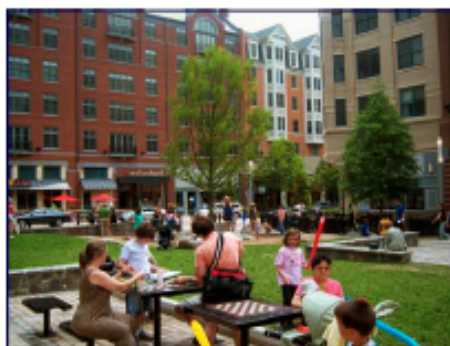
State Environmental Justice Cooperative Agreements Program: This program provides funding so that eligible entities may work collaboratively with affected communities to understand, promote, and integrate approaches to provide meaningful and measurable improvements to the public health and/or environment in the communities. <http://www.epa.gov/environmentaljustice/grants/ej-seica-grants.html>

Environmental Justice Showcase Communities Project: This project provides EPA regional office funding to bring together governmental and non-governmental organizations to pool their resources and expertise on the best ways to achieve real results in communities. The successes and lessons learned in these demonstration projects will be used to help guide the design and implementation of future environmental justice projects and will help EPA increase its ability to address local environmental challenges in more effective, efficient, and sustainable ways. <http://www.epa.gov/environmentaljustice/grants/ej-showcase.html>

Toxic Pollution Reduction

Community Action for a Renewed Environment (CARE): CARE is a competitive grant program that offers an innovative way for a community to organize and take action to reduce toxic pollution in its local environment. Through CARE, a community creates a partnership that implements solutions to reduce releases of toxic pollutants and minimize people's exposure to them. By providing financial and technical assistance, EPA helps CARE communities get on the path to a renewed environment. <http://www.epa.gov/care/>

Lead Grants: EPA awards grants aimed at reducing childhood lead poisoning in communities with older housing through the National Community-Based Lead Grant and the Targeted Lead Grant Programs. The projects supported by these grant funds are an important part of EPA's lead program to eliminate childhood lead poisoning as a major public health concern. <http://www.epa.gov/lead/pubs/grantmap.htm>



Energy Conservation and Renewable and Clean Energy

Energy Efficiency at the State and Local Levels: The State and Local Climate and Energy Program provides technical assistance, analytical tools, and outreach support to state, local, and tribal governments. Specific assistance includes identifying and documenting cost-effective policies and initiatives; measuring and evaluating the benefits of clean energy initiatives; offering tools, guidance, and outreach support; and fostering peer exchange opportunities. The program's web site provides state and local governments with information on energy efficiency and clean energy, including webcasts on a variety of topics. <http://epa.gov/statelocalclimate>

National Clean Diesel Campaign (NCDC): NCDC offers a comprehensive program to help fleet owners clean up their diesel fleets. The campaign awards competitive grants through the Diesel Emissions Reduction Act to public agencies, eligible nonprofits, and private entities, such as school bus contractors, who partner with eligible entities. NCDC's rigorous verification program evaluates the performance and durability of retrofit technologies and provides a path to verification for emerging technologies. The campaign's innovative programs, such as Clean School Bus USA, Clean Ports USA, and Clean Construction USA, provide sector-specific information, including case studies, technology options, and publications. NCDC's tools and resources include the web-based Diesel Emissions Quantifier to help evaluate the cost-effectiveness of various retrofit options and the State and Local Toolkit to help design, fund, and evaluate emission-reduction programs. In addition, NCDC supports regional private-public collaboratives whose members coordinate to implement a wide array of activities to reduce diesel emissions. <http://epa.gov/cleandiesel/>



Federal Environmental Protection Programs, continued

SmartWay Transport Partnership: Under SmartWay, EPA provides web-based analytical tools, technical assistance, innovative financing options, air quality planning guidance, product and vehicle verification and certification, and recognition incentives to help states and municipalities support cleaner goods movement in their communities. SmartWay partners learn how to shrink their carbon footprints and reduce emissions of air pollutants while saving fuel and expanding their businesses. SmartWay's innovative financial options can help trucking firms, municipal fleet managers, and owner-operators serving communities across the country overcome financial obstacles to cleaner, fuel-saving vehicle retrofits and upgrades. Cities can partner with EPA regional offices to recruit city-based freight shippers and carriers into the program, organize events or pilot tools/resources for the local business community, use locomotive and truck idle-reduction strategies to achieve clean air goals, and let businesses and consumers know about lower-polluting, fuel-saving, SmartWay-designated passenger vehicles and commercial trucks.

<http://www.epa.gov/smartway>

Smart Growth

EPA's Smart Growth Program offers case studies, research, tools, and publications to help communities learn about and implement smart growth solutions to a wide range of development-related challenges, including transportation and parking, affordable housing, stormwater runoff, zoning codes, infill and redevelopment, and many other issues.

<http://www.epa.gov/smartergrowth/>



Smart Growth Implementation Assistance (SGIA) Program: Through the SGIA program, EPA solicits applications from state, local, regional, and tribal governments (and non-profits that have partnered with a governmental entity) that want to incorporate smart growth techniques into their future development. Once selected, communities receive direct technical assistance from a team of national experts in one of two areas: policy analysis (e.g., zoning codes, school siting guidelines, transportation policies) or public participatory processes (e.g., visioning, design workshops, alternatives analysis). EPA tailors the assistance to the community's unique situation and priorities and provides the contractor team. This is not a grant. Through a site visit and a report, the multidisciplinary teams help the community achieve its goal of encouraging growth that fosters economic progress and environmental protection. The SGIA Request for Applications is usually open in the first quarter of the year. <http://www.epa.gov/smartgrowth/sgia.htm>

Funding Resources: The Smart Growth Program occasionally offers competitive grants. It has also compiled lists of federal, regional, and state resources for communities and non-governmental organizations that are seeking funding to address various aspects of smart growth. <http://www.epa.gov/smartergrowth/grants/index.htm>

Water Quality

In urban and suburban areas, much of the land surface is covered by buildings, pavement, and compacted landscapes that do not allow rain and snowmelt to soak into the ground, which greatly increases the volume and velocity of stormwater runoff. Upgrading water infrastructure and using green infrastructure techniques can help improve stormwater management to better protect our nation's drinking water and lakes, rivers, streams, and other water bodies. <http://www.epa.gov/owow/nps/urban.html>

State Revolving Loan Funds: The Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) Programs are federal/state partnerships designed to finance the cost of infrastructure needed to achieve compliance with the Clean Water Act. Through the SRFs, states maintain revolving loan funds to provide low-cost financing for a wide range of water quality infrastructure projects, such as traditional municipal wastewater treatment and collection systems, nonpoint source program implementation projects, wetlands restoration, groundwater protection, innovative stormwater runoff and estuary management projects, drinking water treatment and conveyance systems, and source water protection. Funds to establish or capitalize the SRF programs are provided through

(Continued on page 14)



Leveraging the Partnership: DOT, HUD, and EPA Programs

EPA grants to the states, along with state matching funds (equal to 20 percent of federal government grants). Under the American Recovery and Reinvestment Act stimulus funding, in FY 2010, 20 percent of the federal funds must be targeted to green infrastructure, water-efficiency improvements, energy-efficiency improvement, and environmentally innovative approaches to water quality improvement.

<http://www.epa.gov/owm/cwfinance/cwsrf/> and

<http://www.epa.gov/safewater/dwsrf/>

Green Infrastructure: Green infrastructure is an approach to wet weather management that is cost effective, sustainable, and environmentally friendly. Green infrastructure management approaches and technologies infiltrate, evapotranspire, capture, and reuse stormwater to maintain or restore natural hydrology. Many of these approaches, including green roofs, rain gardens, green streets, and other innovative stormwater management techniques, can also make neighborhoods safer, healthier, and more attractive. EPA has compiled a list of funding resources to help communities fund green infrastructure projects.

<http://cfpub.epa.gov/nodes/greeninfrastructure/fundingopportunities.cfm>



Asset Management: As communities undertake the task of renewing their water infrastructure systems, EPA can offer a suite of practices and approaches to ensure that water infrastructure both supports sustainable communities and can be supported by the communities it serves. One of the keys to sustainable infrastructure is the practice of Asset Management (AM), which provides a platform for making the best, most effective infrastructure investments. EPA offers AM training and a suite of tools to promote adoption and improvement of AM implementation. Multisector AM integrates investments in water, transportation, and housing infrastructure and is being promoted through a Memorandum of Understanding between EPA and DOT.

<http://www.epa.gov/owm/assetmanage/>

Nonpoint Source Management Grants: Under Section 319 of the Clean Water Act, states receive grant money to support a wide variety of activities to reduce nonpoint source pollution, including techniques related to agriculture, urban runoff, forestry, and the physical modification of water bodies. States directly implement projects as well as provide funds to organizations and local governments to carry out projects that reduce nonpoint source pollution through best management practices, outreach and education, and demonstration of new approaches to improve water quality. These grant monies may not be used to fund activities currently required in a stormwater permit issued under the authority of the Clean Water Act. Each state publishes an annual request for proposals.

<http://www.epa.gov/nps/cwact.html>

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For More Information: Regional Points of Contact

U.S. DEPARTMENT OF TRANSPORTATION: FEDERAL TRANSIT ADMINISTRATION

Region 1 (CT, MA, ME, NH, RI, VT) Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142-1093, Tel: 617-494-2055

Region 2 (NJ, NY) One Bowling Green, Room 429, New York, NY 10004-1415, Tel: 212-668-2170

Region 3 (DC, DE, MD, PA, VA, WV) 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, Tel: 215-656-7100

Region 4 (AL, FL, GA, KY, MS, NC, PR, SC, TN, VI) 230 Peachtree Street, NW, Suite 800, Atlanta, GA 30303, Tel: 404-865-5600

Region 5 (IL, IN, MI, MN, OH, WI) 200 West Adams Street, Suite 320, Chicago, IL 60606, Tel: 312-353-2789

Region 6 (AR, LA, OK, NM, TX) 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, Tel: 817-978-0550

Region 7 (IA, KS, MO, NE) 901 Locust Street, Room 404, Kansas City, MO 64106, Tel: 816-329-3920

Region 8 (CO, MT, ND, SD, UT, WY) 12300 West Dakota Avenue, Suite 310, Lakewood, CO 80228-2583, Tel: 720-963-3300

Region 9 (AZ, CA, HI, NV, American Samoa, Guam, Northern Mariana Islands) 201 Mission Street, Room 1650, San Francisco, CA 94105-1926, Tel: 415-744-3133

Region 10 (AK, ID, OR, WA) Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174-1002, Tel: 206-220-7954

U.S. DEPARTMENT OF TRANSPORTATION: FEDERAL HIGHWAY ADMINISTRATION

The Federal Highway Administration field offices are organized by state. For efforts related to the Partnership for Sustainable Communities, specific FHWA Division Offices have assumed leadership roles for facilitating and organizing efforts within the DOT/HUD/EPA regions. Below is their contact information.

Region 1 (CT, MA, ME, NH, RI, VT) - Massachusetts Division: 55 Broadway, 10th Floor, Cambridge, MA 02142, Tel: 617-494-2419

Region 2 (NJ, NY) - New York Division: Leo O'Brien Federal Building, Clinton Avenue & North Pearl Street, Room 719, Albany, NY 12207, Tel: 518-431-4125

Region 3 (DC, DE, MD, PA, VA, WV) - Pennsylvania Division: 228 Walnut Street, Room 536, Harrisburg, PA 17101-1720, Tel: 717-221-3703

Region 4 (AL, FL, GA, KY, MS, NC, PR, SC, TN, VI) - Georgia Division: 61 Forsyth Street SW, Suite 17T100, Atlanta, GA 30303, Tel: 404-562-3659

Region 5 (IL, IN, MI, MN, OH, WI) - Illinois Division: 3250 Executive Park Drive, Springfield, IL 62703, Tel: 217-492-4642

Region 6 (AR, LA, OK, NM, TX) - Texas Division: Federal Office Building, 300 East 8th Street, Austin, TX 78701, Tel: 512-536-5952

Region 7 (IA, KS, MO, NE) - Missouri Division: 3220 West Edgewood, Suite H, Jefferson City, MO 65109, Tel: 573-638-2620

Region 8 (CO, MT, ND, SD, UT, WY) - Colorado Division: 12300 W. Dakota Avenue, Suite 180, Lakewood, CO 80228, Tel: 720-963-3016

Also, FHWA's Resource Center staff are available for assistance:

- Atlanta, Georgia: 61 Forsyth Street, Suite 17T26, Atlanta, GA 30303, Tel: 404-562-3667
- Lakewood, Colorado: 12300 W. Dakota Avenue, Suite 340, Lakewood, CO 80228, Tel: 720-963-3072
- San Francisco, California: 201 Mission Street, Suite 1700, San Francisco, CA 94105, Tel: 415-744-2628



For More Information: Regional Points of Contact, continued



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Region 1 (CT, MA, ME, NH, RI, VT) 10 Causeway Street, Room 301, Boston, MA 02222-1092, Tel: 617-994-8200

Region 2 (NJ, NY) 26 Federal Plaza, Suite 3541, New York, NY 10278-0068, Tel: 212-264-8000

Region 3 (DC, DE, MD, PA, VA, WV) 100 Penn Square East, Philadelphia, PA 19107-3380, Tel: 215-656-0500

Region 4 (AL, FL, GA, KY, MS, NC, PR, SC, TN, VI) 40 Marietta Street, Atlanta, GA 30303-2806, Tel: 404-331-5001

Region 5 (IL, IN, MI, MN, OH, WI) 77 West Jackson Boulevard, Chicago, IL 60604-3507, Tel: 312-353-5680

Region 6 (AR, LA, OK, NM, TX) 801 Cherry Street, Unit #45, Suite 2500, Ft. Worth, TX 76102, Tel: 817-978-5965

Region 7 (IA, KS, MO, NE) 400 State Avenue, Room 507, Kansas City, KS 66101-2406, Tel: 913-551-5462

Region 8 (CO, MT, ND, SD, UT, WY) 1670 Broadway, 25th Floor, Denver, CO 80202, Tel: 303-672-5440

Region 9 (AZ, CA, HI, NV, American Samoa, Guam, Northern Mariana Islands) 600 Harrison Street, 3rd Floor, San Francisco, CA 94107-1300, Tel: 415-489-6400

Region 10 (AK, ID, OR, WA) 909 First Avenue Suite 200, Seattle, WA 98104-1000, Tel: 206-220-5101

U.S. ENVIRONMENTAL PROTECTION AGENCY

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Region 8 (CO, MT, ND, SD, UT, WY) 1595 Wynkoop Street, Denver, CO 80202-1129, Tel: 303-312-6312

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Partnership in Action



Partnership for Sustainable Communities *Partnership in Action* April 2010

In June 2009, the U.S. Department of Housing and Urban Development, U.S. Department of Transportation, and the U.S. Environmental Protection Agency joined together to form the Partnership for Sustainable Communities, an unprecedented agreement to coordinate federal housing, transportation, and environmental investments; protect public health and the environment; promote equitable development; and help address the challenges of climate change.

The three agencies are working together more closely than ever before to meet President Obama's challenge to coordinate federal policies, programs, and resources to help urban, suburban, and rural areas build more sustainable communities and make those communities the leading style of development in the United States.

The agencies are working together to identify opportunities to build more sustainable communities and to remove policy or other barriers that prevent these places from being built.

Livability Principles

1. *Provide more transportation choices.*
2. *Promote equitable, affordable housing.*
3. *Increase economic competitiveness.*
4. *Support existing communities.*
5. *Leverage federal investment.*
6. *Value communities and neighborhoods.*

"It's time to throw out old policies that encouraged sprawl and congestion, pollution, and ended up isolating our communities in the process. We need strategies that encourage smart development linked to quality public transportation, that bring our communities together."

—President Barack Obama, January 21, 2010 to the U.S. Conference of Mayors



HUD Deputy Secretary Ron Sims and HUD Miami Field Office Director Armand Fana at the first of several listening sessions on the HUD Sustainable Communities Planning Grant Program.

Listening Sessions: Sustainable Communities Planning Grant Program

In the 2010 budget, Congress provided \$150 million to HUD for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions and increase capacity to improve land use and zoning. Approximately \$100 million of that total will be given to regional integrated planning initiatives through HUD's Sustainable Communities Planning Grant Program.

With DOT and EPA's assistance, HUD developed an Advance Notice of Funding Availability with a description and framework of the grant program for public comment in early February. It was designed to gather input from the public on how the program should be structured in order to have the most meaningful impact on sustainable regional planning.

As part of a commitment to listening and learning, HUD Deputy Secretary Ron Sims kicked off HUD's Sustainable Communities Planning Grant Listening Tour in Miami on February 19th. The Deputy Secretary and Shelley Poticha,

Director of the Office of Sustainable Housing and Communities, listened to stakeholders to learn how the new grant program could spur local innovations that will help communities grow more sustainably.

Throughout February and March, listening sessions were held in Denver, Colo.; Albuquerque, N.M.; Los Angeles, Calif.; St. Louis, Mo.; Hartford, Conn.; Washington D.C., and Cleveland, Ohio. Over 700 people participated, including representatives of state, local, and regional governments; community development organizations; and a broad range of other stakeholders. To reach as many stakeholders as possible, HUD also hosted six webcasts which reached approximately 600 additional people.

More information about the HUD Sustainable Communities Planning Grant Program is available at www.hud.gov/sustainability.



As a result of the Partnership, DOT, HUD, and EPA have increased interagency coordination and collaboration and are developing internal initiatives to support the Partnership's work. Here are a few examples:

HUD Launch of Office of Sustainable Housing and Communities

In February 2010, HUD Secretary Shaun Donovan publicly announced the creation of the Office of Sustainable Housing and Communities. The office will be overseen by Deputy Secretary Ron Sims and is under the management of Director Shelley Poticha. The office will help build stronger communities by connecting housing to transportation, fostering local innovation, and building a clean energy economy. Funded by Congress for the first time in HUD's 2010 budget, the office is a key component of the Partnership for Sustainable Communities. The office will work closely with EPA and DOT to coordinate federal policies, programs, and resources to help urban, suburban, and rural areas build more sustainable communities. More information: <http://www.hud.gov/sustainability>

Sustainable Communities Brownfields Pilots

Together, EPA, HUD, and DOT have selected five Brownfields Pilots where there is a convergence of public transit and the need for affordable housing. Cleaning and reusing this land and providing new housing choices will create jobs and new economic opportunities. The five sites are the Fairmount Line in Boston; the Smart Growth Redevelopment District in Indianapolis; the La Alma/South Lincoln Park neighborhood in Denver; the Riverfront Crossings District in Iowa City, Iowa; and the Westside Affordable Housing Transit-Oriented Development in National City, California. More information: <http://www.epa.gov/brownfields/sustain.htm#part>

DOT Funds for Urban Circulator, Bus, and Bus Facility Projects

DOT is evaluating grants for two new pilot programs to support livability projects. Up to \$150 million is available for bus livability projects to provide new mobility options to improve access to jobs, healthcare, and education. \$130 million is available for Urban Circulator Grants, which will connect destinations and foster walkable, mixed-use redevelopment. More information: <http://edocket.access.gpo.gov/2009/pdf/E9-29242.pdf>

Clean Water State Revolving Fund Pilots Announced

Through new Clean Water State Revolving Fund Pilots, EPA will offer technical assistance to New York, Maryland, and California – to use their clean water funding programs to support efforts to make communities more sustainable. The aim of this technical assistance is to promote more widespread adoption of practices that encourage states to reinvest in their existing infrastructure systems and in their existing communities.

DOT Transportation Investment Generating Economic Recovery (TIGER) Grants

In February 2010, DOT announced \$1.5 billion in TIGER grants for over 50 high-priority, innovative transportation projects across the country. The projects, funded by the American Recovery and Reinvestment Act (ARRA), will create thousands of jobs and help get the U.S. economy back on track. The TIGER grant program targets major national and regional transportation projects that are often difficult to pursue through government funding programs. Selected projects must foster job creation, show strong economic benefits, and promote communities that are safer, cleaner, and more livable. The projects selected range in size from under \$4 million to over \$100 million and are found in both rural and urban communities. They are distributed in 41 states and the District of Columbia. HUD and EPA offered expertise in the review of the grant applications. \$600 million has been allocated to DOT for a second round of TIGER grants. \$30 million of those funds can be used for planning and capacity building to generate and fund projects that improve livability. More information: <http://www.dot.gov/affairs/2010/dot3010b.htm>

Smart Growth Implementation Assistance

For the first time, HUD and DOT headquarters and regional staff are serving on the teams for EPA's Smart Growth Implementation Assistance projects—helping communities find solutions to development-related challenges in the state of California; Louisville, Ky.; Las Cruces, N.M.; and Montgomery County, Md. More information: <http://www.epa.gov/smartgrowth/sgia.htm>

Federal Transit Administration (FTA)-HUD Mixed-Income, Transit-Oriented Development Action Guide

FTA and HUD have developed an action guide to help planners implement mixed-income, transit-oriented development. This interactive web guide will help local planners find effective tools to encourage mixed-income development around transit. More information: <http://www.mitod.org>

Change to Federal Transit Administration's New Starts Program

DOT has repealed the New Starts cost-effectiveness rule that limited its New Starts funding recommendations. DOT is making this change in order to give meaningful consideration to the full range of benefits that transit can provide, including shorter travel times, congestion relief, and other important economic development, environmental, and social benefits.

More information: http://www.fta.dot.gov/news/news_events_11048.html

EPA Urban Waters Initiative

Under the new Urban Waters Initiative, EPA will work with HUD and DOT to promote equitable redevelopment adjacent to urban waterways, re-invest in existing infrastructure, improve water quality, and revitalize waterfront neighborhoods, especially disadvantaged neighborhoods. EPA expects to announce a Request for Proposals in 2010 for approximately \$600,000 in Targeted Watersheds Grants to build capacity in urban watersheds. More information: <http://www.epa.gov/twg>

More information and updates on each agency's efforts:

<http://www.hud.gov/sustainability>

<http://www.dot.gov>

<http://www.epa.gov/smartgrowth>

Overview of the
**Children's Environmental Health & Environmental Justice (CEH/EJ)
Salt Lake City, UT Community Initiative**

PURPOSE OF INITIATIVE: Employ a collaborative, community-based partnership to strengthen community capacity and engagement in the protection of children's health through the promotion of healthier environments where children live, learn, and play.

BACKGROUND

- Highly collaborative, community-based project with local, state and federal government agencies, community organizations, and neighborhood residents.
- Initiated by Children's Environmental Health, Environmental Justice, and Indoor Air programs in fall 2009.
- Nine contiguous neighborhoods in central-city and west-side Salt Lake City are the focus of the initiative based on community capacity, disproportionate environmental burden and social vulnerability.
- 39% of west Salt Lake City residents are ethnic minorities (Hispanic, Bosnian, Sudanese, Afghani, Bantu, Burmese, Russian, Samoan, Tongan, Latino etc.)
- Two-year project with \$100,000 of Environmental Justice Showcase funds.

PROJECT GOALS

- Empower the community to reduce environmental risks to children.
- Achieve a more holistic, integrated approach to children's environmental health that is sustainable in the community and replicable for communities outside of the initiative.
- Build collaborative, community-based partnerships.
- Improve agency coordination and leverage resources.

CURRENT STATUS

- Initiative is in the early stages of development & partnership building.
- Three face-to-face partnership meetings and several conference calls have been held with community groups, neighborhood councils, Salt Lake County Health, Utah Department of Health, Utah Department of Environmental Quality (UT DEQ), Salt Lake City, and EPA Region 8.
- Partnership project needs will be identified in May 2010 and Environmental Justice (EJ) Showcase Funding will be committed in June 2010.
- After commitment of the EJ Funding the community education and assessment phase will begin to identify community concerns, vulnerabilities, and assets.

Contacts: Deb Thomas, EPA R8 Management Contact, 303-312-6298; Jaslyn Dobrahner, EPA R8 Project Leader, 303-312-6252; Stacey Adams, Utah Department of Environmental Quality, 801-536-4482.

Budgets and ARRA Status

EPA Budget Summary – State & Tribal Assistance Grants FY 2010 Enacted Budget Changes vs. FY 2011 President's Budget (Dollars in Thousands)

**/ Increases for these State and Tribal Assistance Grant Programs reflects an increase to assist states and tribes in meeting inflation costs associated with state and Tribal program implementation.

- 1/ Air Quality (+\$82,500.0): Increase supports expanded core state workload for implementing revised and more stringent NAAQS and reducing public exposure to air toxics; assist state and local agencies in developing capacity to permit large sources of greenhouse gas emissions; additional state air monitors required by revised NAAQS.
- 2/ Local Gov't Climate Change (-\$10,000.0): This decrease discontinues funding for these grants in the FY 2011 President's Budget. The Agency relies on existing EPA partnership programs to achieve future greenhouse gas reductions.
- 3/ Water Section 106 (+\$45,000.0): Increase to strengthen the base state, interstate and tribal programs, address emerging water quality issues such as nutrients and new regulatory requirements, and support expanded enforcement efforts. Includes an increase to assist state and tribes in meeting inflation costs associated with state and tribal implementation.
- 4/ Tribal General Assistance (+\$8,500.0): Increase the base funding available for Tribal General Assistance Program (GAP) grants, providing tribes with a stronger foundation to build tribal capacity and implement other related efforts, continuing EPA's partnership and collaboration with the tribes. The Agency is encouraging a stronger environmental program base, and therefore allowing more tribes to take advantage of the new multi-media implementation program starting in FY 2011.
- 5/ Multi-Media Tribal (+\$30,000.0): EPA will launch a new multi-media implementation grant program which will assist tribal governments in implementing environmental programs, going beyond establishing an environmental presence. The new grant program will allow the Agency to provide multi-media grants to tribes for implementation of Federal environmental programs. The multi-media implementation funding will be directed toward federally-recognized tribes with mutually-agreed upon EPA/tribal-prioritized programs.
- 6/ Pesticides Implementation (net +\$170.0): (+\$270.0) Increase to assist states and tribes in meeting inflation costs associated with state and tribal program implementation. (-\$100.0) This change partially reduces additional support for grants that address emerging pesticide issues provided in FY2010. The net effect is a \$170.0 increase (+\$270.0-\$100.0).
- 7/ Total Categorical Grants excludes \$9.9 million for Beaches Protection Grants, changing the total for Categorical Grants from \$1.276 billion to \$1.266 billion.
- 8/ Clean Water/Drinking Water SRF Programs (-\$200,000.0) Due to the amount of funds directed towards these programs in the last 3 years, including ARRA funding (\$6 billion), this reduction will not have a significant impact on these programs.

Budgets and ARRA Status

- 9/ Congressional Earmarks (-\$164,777.0) Funding for congressional earmarks has been eliminated in FY 2011.
- 10/ Targeted Airshed (-\$20,000.0) The FY 2011 President's Budget does not continue funding for these grants.
- 11/ Brownfields Projects (+\$38,254.0) Increase will provide funding for disadvantaged and underserved communities. Under the Healthy Communities initiative, EPA plans to perform Targeted Brownfields Assessments for 35 communities, and focus on area wide planning.

Budgets and ARRA Status

Appropriation	FY 2010 Enacted	FY 2011 Pres Bud	Increase From FY2010 to FY2011	% Increase
Environmental Program & Management	\$2,993,779	\$2,891,036	-\$102,743	-3.4%
Leaking Underground Storage Tanks	\$113,101	\$113,219	\$118	0.1%
Science & Technology	\$846,049	\$846,697	\$648	0.1%
Building & Facilities	\$37,001	\$40,001	\$3,000	8.1%
State and Tribal Assistance Grants**	\$4,938,323	\$4,751,973	-\$186,350	-3.8%
Oil Spill Response	\$18,379	\$18,468	\$89	0.5%
Superfund	\$1,306,541	\$1,293,060	-\$13,481	-1.0%
Inspector General	\$44,791	\$45,646	\$855	1.9%
Agency Sub-Total	\$10,297,964	\$10,000,100	-\$297,864	-2.9%
Rescission of Prior Year Funds	\$40,000	\$10,000.0	-\$30,000	-75.0%
Agency Total	\$10,257,964	\$9,990,100.0	-\$267,864.0	-2.6%

**Does not include Beaches Protection, Mexico Border and Alaska Native Villages

Budgets and ARRA Status

	FY10	FY11	FY10 to FY11
GRANT	Enacted	Pres Bud	Change
Air Quality <u>1/</u>	\$226,580.0	\$309,080.0	\$82,500.0
Tribal Air Quality**	\$13,300.0	\$13,566.0	\$266.0
Radon	\$8,074.0	\$8,074.0	\$0.0
Local Gov't Climate Change <u>2/</u>	\$10,000.0	\$0.0	-\$10,000.0
Water Section 106 <u>3/</u>	\$229,264.0	\$274,264.0	\$45,000.0
Nonpoint Source	\$200,857.0	\$200,857.0	\$0.0
Wetlands**	\$16,830.0	\$17,167.0	\$337.0
Public Water Supply	\$105,700.0	\$105,700.0	\$0.0
Underground Injection**	\$10,891.0	\$11,109.0	\$218.0
Homeland Security (DW)	\$0.0	\$0.0	\$0.0
Tribal General Asst. <u>4/</u>	\$62,875.0	\$71,375.0	\$8,500.0
Multi-Media Tribal <u>5/</u>	\$0.0	\$30,000.0	\$30,000.0
Underground Storage Tanks**	\$2,500.0	\$2,550.0	\$50.0
Haz. Waste Financial Asst. **	\$103,346.0	\$105,412.0	\$2,066.0
Brownfields	\$49,495.0	\$49,495.0	\$0.0
Pesticides Implementation <u>6/</u>	\$13,520.0	\$13,690.0	\$170.0
Lead**	\$14,564.0	\$14,855.0	\$291.0
Pollution Prevention**	\$4,940.0	\$5,039.0	\$99.0

Budgets and ARRA Status

		FY10		FY11		FY10 to FY11
GRANT		Enacted		Pres Bud		Change
Pesticides Enforcement**		\$18,711.0		\$19,085.0		\$374.0
Toxics Substance Complaine**		\$5,099.0		\$5,201.0		\$102.0
Improve Compliance/Sector		\$0.0		\$0.0		\$0.0
Environmental Information Grants**		\$10,000.0		\$10,200.0		\$200.0
TOTAL Categorical Grants 7/		\$1,106,546.0		\$1,266,719.0		\$160,173.0
Clean Water State Revolving Fund 8/		\$2,100,000.0		\$2,000,000.0		-\$100,000.0
Drinking Wtr State Revolving Fund 8/		\$1,387,000.0		\$1,287,000.0		-\$100,000.0
Diesel Emissions		\$60,000.0		\$60,000.0		\$0.0
Congressional Earmarks 9/		\$164,777.0		\$0.0		-\$164,777.0
Targeted Airshed 10/		\$20,000.0		\$0.0		-\$20,000.0
Brownfields Projects 11/		\$100,000.0		\$138,254.0		\$38,254.0
Total STAG Special Program Grants		\$3,831,777.0		\$3,485,254.0		-\$346,523.0
Total STAG Appropriation		\$4,938,323.0		\$4,751,973.0		-\$186,350.0

Region 8 ARRA April 2010 Monthly Report

Outlay Rate and Jobs Reported

Program	(A) Amount Awarded	(B) Total Outlays (thru 5/3/10)*	(B/A) Cumulative %	National Average % Outlays	Reported Jobs (for FY10 Q2)**
Drinking Water SRF	\$134,452,000	\$48,174,781	36%	32%	196
Clean Water SRF	\$126,354,000	\$48,135,102	38%	28%	281
604b	\$1,303,000	\$407,792	31%	N/A (included in CWSRF)	4
Superfund	\$75,810,000	\$14,932,459	20%	30%	36
DERA	\$17,770,597	\$6,237,154	35%	20%	37
LUST	\$9,848,000	\$1,934,744	20%	20%	17
Brownfields	\$5,433,000	\$567,958	10%	10%	4
Totals	\$370,970,597	\$120,389,989	32%	28%	574

* SF contracts outlays through March 26.

**Full Jobs Created number unavailable for Eureka IAG

Water Quality I

Current Sustainable Infrastructure and Water Conservation Activities

Engagement in HUD / DOT / EPA Partnership Activities

The objective of the partnership is to identify potential areas where the three agencies can better leverage and/or coordinated financing in promoting sustainable, livable communities. EPA is identifying potential areas for collaboration in Colorado to leverage coordinated financing in promoting sustainable communities.

- Exploring HQ support to update Garfield County comprehensive planning to target growth and integrate livability principles by assessing cost and benefits of alternative growth scenarios and implications on infrastructure cost, return on investment, proximity to transit, land conversion, water demand, stormwater runoff and housing choice.

Supporting Utilities with Energy Management Planning

Region 8 is currently working with HQ to develop an approach to support interested utilities in benchmarking current energy use, identifying energy savings opportunities, and developing and implementing energy management plans.

- Estimated that 30-40% of municipal energy use and associated operating budgets are spent on treating and distributing water/wastewater.
- Rising energy costs represent a major challenge for utilities that are also facing challenges of increasing demands due to population growth, more stringent regulations and aging infrastructure.
- Results of energy management activities by utilities in other regions have realized significant benefits (monetary savings, reduced green house gas emissions).

WaterSense and Water Conservation

Water efficiency can stretch our limited water supplies further. WaterSense is a voluntary program that aims to bring water efficient products, services, and practices to market. Utilities, Governments and Non-Profits can become a Promotional Partner.

EPA Communication Strategies for WaterSense Partners:

- Partner Forum- Quarterly webcast conference call for partners (5/20 - Outdoor Water Use)
- Partner Pipeline -Quarterly eBulletin with partner-specific information
- The WaterSense Current - Quarterly newsletter for the public and your constituents
- Other -Partner recognition, Specification announcements, conferences, news publications, etc.

EPA's WaterSense Program is just one example of a program that helps to promote water savings in communities. There are over a hundred different types of conservation measures that can significantly reduce water loss / water demand. EPA is currently exploring the role of conservation as a cost effective means in helping to meet some of the growing water needs in our arid region. The 2011 SRF Green Project Reserve Guidelines specifically identify Water Efficiency/Conservation as an eligible project.

Water Quality I

Green Project Reserve (GPR) and State Revolving Loan Fund Program

ARRA Summary:

- R8 States funded:
 - 30.5% of CW projects in GPR (\$38.5 million)
 - 29.6% of DW projects in GPR (\$39.7 million)

Types of projects:

- 53% Water Efficiency
- 29% Energy Efficiency
- 17% Green Infrastructure
- 1% Environmentally Innovative

2010 Appropriation:

- 20% Green Project Reserve in 2010 Appropriation and 2011 Pres Budget
- The 2010 Guidance for Determining GPR Project Eligibility is FINAL
 - States and EPA Regions provided input on the development of Draft guidance, and commented on the Draft guidance.

How Region 8 is helping States meet GPR requirement:

- Working with HQ Stormwater experts to identify areas of collaboration (e.g. technical assistance) for Green Project Reserve funds to assist R8 states in meeting the 20% goal. Will be hosting a webinar(s) on the Benefits of Green Infrastructure for States and municipalities in next few months
- Working with States that wish to revise their priority setting process for their Intended Use Plans to factor in new Green guidance
- Discussing the 2010 Green guidance during state visits to ensure appropriate application and consistency.

What is the impact on the Green Project Reserve requirement if a state chooses to transfer funds from one SRF to another? The 20% Green Requirement still applies. However, if a State has met its 20% requirement in the donor program, then the receiving program will not have to apply the same requirement. However, if the donor SRF program had only met half of its requirement at the time of the transfer, the remaining half would have to be met by the receiving program.

Questions for Discussion

- 1) What are states doing regarding sustainable infrastructure/green infrastructure? Are there opportunities for partnership?
- 2) What challenges/opportunities do states see going forward in these areas?
- 3) How can Region 8 best support the States in implementing the Green Project Reserve?

Water Quality I

Green Project Reserve (GPR) Waiver Process

From the guidance, “Procedures for Implementing Certain Provisions of EPA’s Fiscal Year 2010 Appropriation Affecting the Clean Water and Drinking Water State Revolving Fund Programs,”

- States have sufficient time for the solicitation of eligible GPR project applications to meet the minimum GPR threshold of 20 percent. This is “two-year money.” EPA strongly encourages States to put forth every effort to meet the 20 percent GPR requirement in the 2010 Appropriations Bill.
- If a State determines that it cannot meet the 20 percent GPR requirement, it must demonstrate compliance with the following process outlined in the Required Grant Condition guidance:

“Recipient agrees to make a timely and concerted solicitation for projects that address green infrastructure, water or energy efficiency improvements or other environmentally innovative activities. The recipient agrees to include in its IUP such qualified projects, or components of projects, that total an amount at least equal to 20% of its capitalization grant. If there are not sufficient qualified projects or components already in the IUP that total 20% of the FY 2010 funds available, the recipient agrees to conduct additional solicitation, to amend its project list to include any such qualified projects thus identified, and to provide not less than 20% of such FY 2010 funds available to such projects on its amended project list. If there are not sufficient qualified projects or components on the amended project list after such additional solicitation, the recipient may if necessary submit a waiver request to EPA in accordance with the FY 2010 procedures.”

Any requests for a waiver from the GPR requirement based on insufficient project applications will be reviewed by EPA Headquarters on a case-by-case basis. EPA will use the following sample actions as a guide when deciding whether to approve or disapprove a State’s waiver request:

- Prominent messages on State SRF and green infrastructure websites;
- Notification clearly soliciting funding applications for projects eligible for GPR sent to all municipalities in the State;
- Targeted meetings with State programs associated with green infrastructure, water and energy efficiency, and other environmentally innovative projects;
- Notification clearly soliciting funding applications for projects eligible for GPR sent to mailing lists used by the aforementioned State programs;
- Targeted meetings with associations, watershed organizations and environmental groups involved in green infrastructure, water and energy efficiency and other environmentally innovative projects; and
- Notification clearly soliciting funding applications for projects eligible for GPR sent to mailing lists and members of aforementioned associations, watershed organizations and environmental groups.

Note: In order to qualify for a waiver, States must open up their loan fund to the entire cadre of green projects, including replacement of on-site systems with new on-site systems.

Effluent Guidelines

Background: What are effluent guidelines?

[Effluent guidelines](#) are national standards, based on the [performance of treatment and control technologies](#), for wastewater discharges to surface waters and municipal sewage treatment plants. Effluent guidelines are developed for industry categories (aluminum forming, pulp and paper mills, steam electric power generation, etc). The performance based limitations are incorporated into surface water discharge permits or into permits established by sewage treatment plants.

Coalbed Methane (CBM) Detailed Study

- Rationale for Detailed Study:
 - CBM is a growing industry sector with potential impacts on the environment.
- Objectives and Scope of the Detailed Study:
 - Evaluate availability and affordability of technology treatment options for CBM produced water discharges in the current and future CBM basins.
 - Evaluate potential environmental issues associated with the discharge of CBM produced water.
- Study Activities
 - Screener survey sent in February 2009 to all operators with three or more wells.
 - Detailed survey sent to a representative sample of CBM projects in October 2009.
 - Literature review of environmental impacts and beneficial uses of produced water.
 - Review of state permitting requirements for CBM.
- Study completion and a decision on whether to initiate an effluent guideline rulemaking is anticipated in the final 2010 Effluent Guidelines Plan, approximately October 2010.

Water Quality I

Jim Lochhead, CEO Denver Water, will address the future of water supply in the west and the factors that affect quality and quantity. A discussion where the State Directors will focus on their State's water issue will follow.

Excess Nutrients in Water Update from 2009 State Directors' Meeting State Directors' Meeting May 26-27, 2010

In the year since we last met, EPA Region 8 has focused its efforts to address excess nutrients in water in three main areas:

- Providing technical assistance to Region 8 states as they develop the tools and science to adopt nutrient criteria.
- Improving working relationships with the community concerned with nutrient pollution; federal, state and local entities responsible for wastewater, drinking water, agriculture and stormwater management.
- Working with States and watershed groups on watershed restoration and products such as watershed plans and Total Maximum Daily Loads.
- HQs is focused on 1) Florida Promulgation; 2) Chesapeake Bay Total Maximum Daily Load (due 12/31/2010); 3) Mississippi River Basin Strategy; and 4) meeting expectations of the Inspector General's Office based on EPA's response to the Report from the OIG, "EPA Needs to Accelerate Adoption of Numeric Nutrient Water Quality Standards."

Technical Assistance

- Significant work within Region 8 and the states to understand the implications of setting nutrient criteria and evaluating various options and tools to assist with criteria **implementation**. This has involved considerable consultation with HQs as many implementation questions are not answered in existing policy, guidance or regulation and the questions can be very technical.
- Staff are actively involved with Montana, Utah, and Colorado staff and stakeholder workgroups developing nutrient assessment tools and science for setting nutrient criteria.
- The Region has worked with HQs to: a) understand the work completed to date on environmental benefits for nutrient criteria; and b) identify both economic approaches and connections to drinking water impacts that more effectively highlight the environmental benefits of nutrient criteria.
- Region 8 initiated pilot projects to derive nutrient criteria at an ecoregional scale.
- Tracked the complexities of the Florida promulgation and EPA's response to the Inspector General's report in order to answer the technical questions states have about those actions.

Water Quality II

State Environmental Directors' Meeting May 26-27, 2010

Key Messages for **Total Maximum Daily Loads** Topic

- Total Maximum Daily Load (TMDLs) analyses are important because they provide the information needed to create plans to restore waterbodies impaired by excess pollutant loads. They are required by Clean Water Act Section 303(d) to be written for waters identified on the States' impaired waterbody lists.
- In the past EPA has focused on counting the number of TMDL approvals as a measure of progress toward restoring impaired waterbodies.
 - WQ-8 is measure of the annual number of TMDLs produced by the Region and is a senior management performance measure.
 - WQ-8 counts all TMDLs equally regardless of the quality and utility of the TMDL approved.
 - Additional program measures are used to document actual water quality restoration.
 - SP-10 & SP-11 count number of past impairments that have been restored.
 - SP-12 attempts to measure progress in NPS impaired watersheds prior to full restoration utilizing a set of criterion.
- EPA sincerely appreciates the very hard work that Region 8 states have put towards developing their TMDL program and the increasing difficulties they are encountering in producing some of these documents.
- Now that most court orders have been met and TMDLs are being developed, EPA is currently considering a focus on the utility of the TMDL document to restoration planning rather than emphasizing numbers as heavily in the past.
 - TMDL Pace does not equal Restoration Pace: EPA realizes that TMDL pace is not the same thing as the pace of water quality restoration as there are many additional steps in the restoration process before water quality standards are once again attained.
 - Focusing too heavily on counting the number of approved TMDL documents may have been a disincentive to creating a TMDL document of sufficient quality to truly serve as a blueprint to restoration.
 - High quality TMDLs can facilitate the water quality restoration process by providing sound information for restoration planning. However, poorly written TMDLs can hinder the restoration process if the information provided is not useful to other programs or an inaccurate picture of what is needed to restore the waterbody.

Water Quality II

I) State - Specific TMDL Information Region 8.

State	Current Number of (303)d Listings	Approx. 13-Yr Pace	Average 5 Year Production	TMDL Production				
				FY 05	FY 06	FY 07	FY 08	FY 09
CO	273	21	15.8	0	1	13	38	27
WY	131	10.7	0	0	0	0	0	0
UT	207	15.9	5.4	0	11	12	4	0
SD	232	17.8	10.4	8	9	4	26	5
ND	337	25.9	10	1	6	10	7	26
MT	1843	141.7	80.4	38	122	34	89	119

Note: The above TMDL production numbers do not include TMDLs based on individual NPDES permit renewals, a practice phased out in FY07.

Important notes/considerations for perspective

Region 8:

- Prior to FY06/FY07, Region 8 relied heavily (65-75%) on NPDES permit-based TMDLs to meet TMDL development pace expectations.
- Starting in FY07 Region 8 no longer relies on the NPDES permit based TMDLs to meet our regional pace expectations.
- Starting in FY08, the Region 8 TMDL review guidelines were rewritten by the TMDL team to improve the quality of the TMDLs approved by EPA. The new review guidelines include a set of minimum submission requirements to provide clear direction to state programs on what EPA expects to see in a TMDL document to gain EPA approval.
- These changes have made it more difficult for Region 8 States, and, thus, Region 8 as a whole, to meet the annual TMDL production pace. However, the changes improve the likelihood that the TMDLs Region 8 does approve will facilitate future water quality restoration.

CO

- CO relied heavily on NPDES permit-based TMDLs written on their behalf by EPA Region 8 prior to FY07.
- Since FY07, CO has successfully developed watershed-based TMDLs and has been a solid and reliable producer of TMDLs in Region 8.

WY

- WY relied entirely on NPDES permit-based TMDLs prior to FY07.
- Prior to FY07, WY struggled to complete TMDLs against strong opposition from the local agricultural and ranching community as represented by the WY Association of Conservation Districts.
- In the first quarter of FY10, WY submitted its first watershed-based TMDL for Ocean Lake which was subsequently approved by EPA R8.
- WY currently has 40+ TMDLs under development by contractors funded by ARRA and Clean Water Act Section 319 (nonpoint source) program.

Water Quality II

- WY is putting emphasis on high quality TMDLS by requiring implementation plans for TMDLS funded by Section 319.

UT

- TMDL development in UT has been slowed by the State's attempt to develop TMDLS for waters impaired by nutrients which include significant nutrient contributions from Publically Owned wastewater Treatment Facilities (POTWs). In addition to technical challenges, the stakeholder process becomes complex and sensitive, affecting TMDL development.

SD

- While SD did use NPDES permit-based TMDLS in the past, they also successfully developed some watershed-based TMDLS.
- While SD's TMDL coordinator was suffering from a terminal illness, the program struggled. A newly hired coordinator has helped the program increase its pace.
- SD has also been slowed by attempts to develop TMDLS for waterbodies impaired by nutrients.

ND

- TMDLS are developed by staff in the ND Nonpoint Source program using Clean Water Act Section 319 (nonpoint source) funds.
- NPS staff in ND have many other tasks in addition to developing TMDLS, which limits the time and technical expertise available for this task.

MT

- MT is under court order to develop TMDLS at a rapid pace.
- MT typically accounts for half or more of the total Regional TMDL production numbers.
- Additional information on the MT TMDL program and the status of litigation on the MT TMDL program is presented in a separate section below.

II) General Background Information about TMDLS

i [Who must complete TMDLS?](#)

- (1) States are required to complete TMDLS for waters impaired, or threatened to become impaired, by excessive pollutant loads.
- (2) If states do not complete TMDLS in a timely manner, federal courts may order EPA to complete the TMDLS for them.
- (3) TMDLS are typically developed by the states directly or by state contractors. Occasionally, EPA contractors or EPA staff may develop TMDLS at a states request or if ordered to do so by federal courts.

ii [What is a TMDL?](#)

- (1) TMDL stands for the Total Maximum Daily Load of a pollutant that a waterbody can assimilate while still attaining water quality standards.
- (2) NPDES Permit Based TMDLS - Prior to FY07, R8 encouraged and accepted the development of TMDLS based on the individual waste load from recently

Water Quality II

renewed NPDES permits. Outside of R8, this type of TMDL was not considered a valid TMDL and their use was phased out FY07.

(3) A TMDL consists of a specific waterbody & pollutant combination.

(4) The TMDL equation:

$$\text{TMDL} = \text{WLAs} + \text{LAs} + \text{MOS} + \text{Seasonality Factors}$$

(a) The TMDL (assimilative capacity of the waterbody for a particular pollutant)

(b) WLAs (waste load allocations for point sources of pollution)

(c) LAs (load allocations for non-point sources of pollution and natural background loads)

(d) MOS (an additional load to be set aside to provide a Margin of Safety to account for inaccuracies and errors when the TMDL is calculated).

(e) Seasonality Factors (to account for the variation in the assimilative capacity of the waterbody at different times of the year).

iii When are TMDL completed?

(1) Based on case law, EPA has established a national policy stating that TMDLs should be completed within 8-13 years (on average) from the time an impairment is first placed on the 303(d) list.

(2) A waterbody is considered to be impaired when one or more water quality standards are not being attained.

(a) Note that not all impairments are the result of a pollutant load and therefore not all impairments require the determination of a TMDL.

iv Where are TMDL applied?

(1) For the purposes of TMDL development, a waterbody is typically defined as a single “assessment unit” as defined by the state.

(a) The size of an assessment unit can vary substantially and may be as small as a mile or two section of stream, or as large as a medium sized watershed including several tributaries.

(2) States can and do change the definition of an assessment unit for a variety of reasons, including to separate an impaired segment from a larger segment.

v Why do we need TMDLs?

(1) TMDLs determine and allocate the allowable pollutant load among the sources in the watershed.

(2) Pollutant Waste Load Allocations (WLAs) set by TMDLs are used by the NPDES permit programs to regulate point sources of a pollutant.

(3) Pollutant Load Allocations are used by Non Point Source pollution control programs to determine how much nonpoint source pollutant load reductions are needed to allow impaired waterbodies to attain WQS.

vi How are TMDLs completed?

(1) Methods used to determine TMDL loads vary widely based on many different factors (e.g., the pollutant involved; the type of pollutant sources involved; the resource limitations of the agency determining the TMDL, the political and economic ramifications of the TMDL; the interest of the stakeholder community; and the likelihood of successfully restoring the waterbody to attaining water quality standards).

Water Quality II

- (2) Water quality targets are set to represent one or more conditions that must be met to ensure the waterbody will attain and maintain a water quality standard.
 - (a) Water quality criterion may be used directly as a target.
- (3) Some approaches to TMDL development include
 - (a) Utilizing complex watershed/water quality models such as SWAT, AnnAGNPS, HSPF, Qual2k etc.
 - (b) Basing the water quality target on non-impaired reference waterbodies
 - (c) Basing the water quality target on literature values.

III) Information on the MT TMDL Law Suit

- EPA is currently under court order to assure the Montana Department of Environmental Quality (DEQ) completes Total Maximum Daily Loads (TMDLs) for all waterbodies listed on Montana's 1996 Section 303(d) list by December 31, 2012.
- EPA has been working collaboratively with DEQ to complete these TMDLs by using a holistic, watershed-scale to TMDL development – this approach results in technically sound, implementable TMDLs that are widely accepted by staff, watershed stakeholders, and the Plaintiffs from the original lawsuit.
- However, this approach will not address all of the court-ordered 1996 listings by December 31, 2012 because, using the watershed approach, they, instead, address a combination of listings from 1996-2008.
- EPA and DEQ have developed and are implementing a plan to meet the 2012 deadline, which will address all of the remaining 1996 listings. We will not fail to meet the court ordered deadline.
- At the same, EPA is working with DEQ, the Plaintiffs, and the Department of Justice to draft a motion to amend the court order as follows: (1) eliminate the requirement to address waterbody-pollutant combinations appearing specifically on Montana's 1996 Section 303(d) list by December 31, 2012; and (2) replace it with a requirement to address an equivalent number of waterbody-pollutant combinations from any list by December 31, 2012.

SPCC

SPILL PREVENTION, CONTROL, AND COUNTERMEASURES (SPCC) REGULATION 40 CFR PART 112

BACKGROUND:

The Spill Prevention, Control, and Countermeasure (SPCC) regulations are not new - they have been in place for thirty-six years, since January 10, 1974. Although the SPCC regulations cover many different types of facilities, this handout is focused on requirements for farms. It is estimated that there are approximately 157,354 farms in EPA Region 8 states, which include Colorado, Montana, North Dakota, South Dakota, Wyoming, and Utah. Only those with non-exempt containers and equipment with oil which exceed the 1,320 gallon capacity threshold are potentially subject to the SPCC rules. Since there is no requirement to obtain a permit or report to EPA, the exact number of facilities subject to the rule is not known.

WHAT IS SPCC?

The goal of the SPCC program is to prevent oil spills into waters of the United States and adjoining shorelines by requiring secondary containment for tanks, equipment and loading/unloading areas. Oil spills can cause injuries to people and damage to the environment. A key element of this program calls for farmers and other facilities to have an oil spill prevention plan, called an SPCC Plan. These Plans can help farmers prevent oil spills which can damage water resources needed for farming operations.

WHAT IS CONSIDERED A FARM UNDER SPCC?

Under SPCC, a farm is: “a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year.”

WHEN IS A FARM COVERED BY SPCC?

SPCC applies to a farm which:

- Stores, transfers, uses, or consumes oil or oil products, such as diesel fuel, gasoline, lube oil, hydraulic oil, adjuvant oil, crop oil, vegetable oil, or animal fat; and
- Stores more than 1,320 US gallons in aboveground containers or more than 42,000 US gallons in completely buried containers; and
- Could reasonably be expected to discharge oil to waters of the US or adjoining shorelines, such as interstate waters, intrastate lakes, rivers, and streams.

If a farm meets all of these criteria, then the farm is covered by SPCC.

TIPS:

** Count only containers of oil that have a storage capacity of 55 US gallons and above.*

** Adjacent or non-adjacent parcels, either leased or owned, may be considered separate facilities for SPCC purposes. Containers on separate parcels (that the farmer identifies as separate facilities based on how they are operated) do not need to be added together in determining whether the 1,320-gallon applicability threshold is met.*

SPCC

IF A FARM IS COVERED BY SPCC, WHAT IS REQUIRED?

The SPCC program requires an SPCC Plan to be prepared and implemented. Businesses which were in existence prior to August 16, 2002, should maintain their existing SPCC Plan. If you do not have a Plan, you should prepare and implement one. Many farmers will need to have their Plan certified by a Professional Engineer (“PE”). However, you may be eligible to self-certify your amended Plan if:

- Your farm has a total oil storage capacity between 1,320 and 10,000 gallons in aboveground containers, and the farm has a good spill history (as described in the SPCC rule), you may prepare and self-certify your own Plan. (However, if you decide to use certain alternate measures allowed by the federal SPCC Rule, you will need a PE.)
- Your farm has storage capacity of more than 10,000 gallons, or has had an oil spill (as described in the SPCC rule), you may need to prepare an SPCC Plan certified by a PE.

WHEN SHOULD A PLAN BE PREPARED AND IMPLEMENTED?

Farms in operation on or before August 16, 2002, must maintain or amend their existing Plan by November 10, 2010. Any farm that started operation after August 16, 2002, but before November 10, 2010, must prepare and use a Plan on or before November 10, 2010.

Note: If a farm was in operation before August 16, 2002, and there has not already been a Plan developed, a Plan must be prepared now.

WHAT COMPLIANCE ASSISTANCE IS BEING OFFERED TO THE REGULATED FARMING COMMUNITY?

- EPA is increasing its outreach efforts to assist the regulated community in complying with the SPCC Rule. Workshops and presentations will continue to be given throughout this year in R8 including one scheduled in Minot, ND on May 25; one in Montana on June 11 for the Montana Grain Growers Association; one in either Utah or South Dakota; and an upcoming presentation at the ND Agriculture Association meeting later this year.
- EPA has and is continuing to develop several new fact sheets for specific industries, such as farms, which explain the requirements as they apply to their operations.
- A template for use by owner or operators of smaller, Tier I-qualified facilities is available to be downloaded from EPA's web site: <http://epa.gov/oem/content/spcc/tier1temp.htm>.
- EPA also plans on making this information available through state and local farm bureau offices.

Enforcement

Clean Water Act Action Plan

Clean Water Act Action Plan

Overview

*Presentation by: Mike Gaydosh
Assistant Regional Administrator
ECEJ*

*Region 8 State Directors Meeting
May 26, 2010*



1

CWA Action Plan Overview

- Three key improvements needed:
 - Target enforcement to the most important water pollution problems
 - Reset relationships with the states and strengthen oversight of the state programs
 - Improve transparency and accountability



2

CWA Action Plan Implementation Teams

- NPDES Data Analysis
- New Approach
- Short Term Oversight
- Public Access
- Electronic Reporting
- Citizen Suit

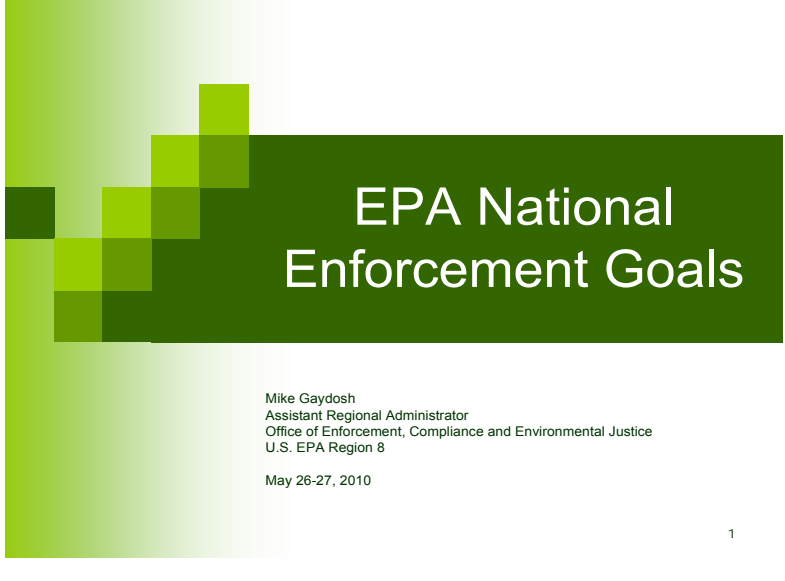
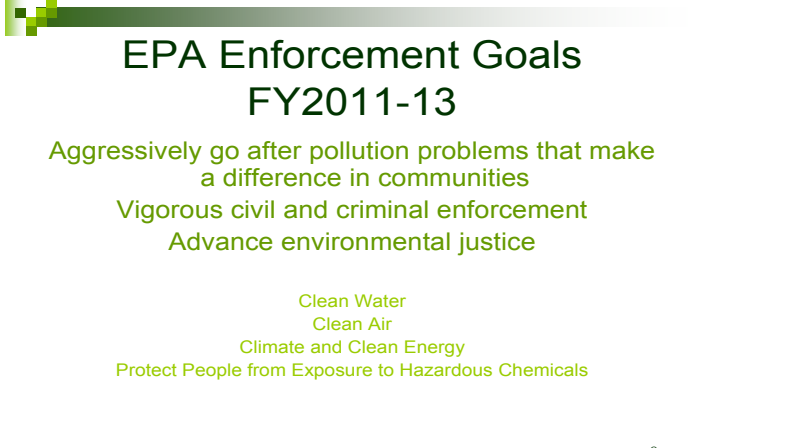





3

<div data-bbox="232 237 712 287"><h2>Next Steps for Region 8</h2></div> <div data-bbox="232 321 907 642"><ul style="list-style-type: none">• FY11 PPA negotiations• Development of collaborative work plans• Regular meetings to track progress• Continued work to improve the SRF process and integrate state permitting and enforcement program reviews• Continued focus on database integrity</div> <div data-bbox="875 176 946 296"></div> <div data-bbox="901 695 914 711"><p>4</p></div>	
<div data-bbox="232 812 712 865"><h2>Next Steps for Region 8</h2></div> <div data-bbox="232 898 907 1220"><ul style="list-style-type: none">• FY11 PPA negotiations• Development of collaborative work plans• Regular meetings to track progress• Continued work to improve the SRF process and integrate state permitting and enforcement program reviews• Continued focus on database integrity</div> <div data-bbox="875 753 946 873"></div> <div data-bbox="901 1270 914 1289"><p>4</p></div>	

Enforcement

Enforcement Priorities

 <p>EPA National Enforcement Goals</p> <p>Mike Gaydosh Assistant Regional Administrator Office of Enforcement, Compliance and Environmental Justice U.S. EPA Region 8</p> <p>May 26-27, 2010</p> <p>1</p>	
 <p>EPA Enforcement Goals FY2011-13</p> <p>Aggressively go after pollution problems that make a difference in communities</p> <p>Vigorous civil and criminal enforcement</p> <p>Advance environmental justice</p> <p>Clean Water Clean Air Climate and Clean Energy Protect People from Exposure to Hazardous Chemicals</p> <p>2</p>	
 <p>EPA Enforcement Goals FY2011-13</p> <ul style="list-style-type: none">■ Reset EPA Relationship with the States<ul style="list-style-type: none">□ Shared accountability□ Strengthened oversight□ Establish new model, starting with water <p>3</p>	

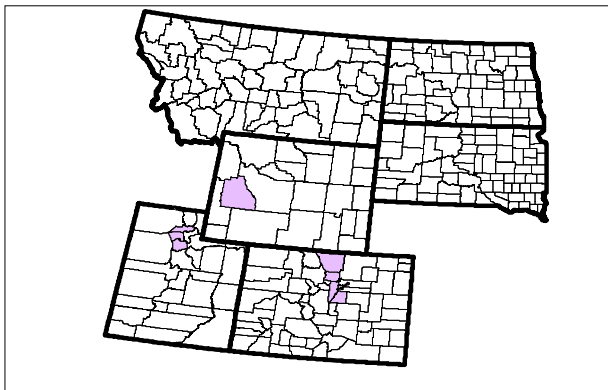
 <h2 data-bbox="321 216 834 317">EPA Enforcement Goals FY2011-13</h2> <ul data-bbox="237 344 893 642" style="list-style-type: none"><li data-bbox="237 344 634 384">■ Improve Transparency<ul data-bbox="274 432 893 642" style="list-style-type: none"><li data-bbox="274 432 756 464">□ Compliance information available online<li data-bbox="274 506 893 537">□ Public information on state and federal performance<li data-bbox="274 579 893 642">□ Promote better federal environmental decisions and public engagement through NEPA <p data-bbox="906 716 914 726">4</p>	
 <h2 data-bbox="337 827 829 915">EPA National Enforcement Goals</h2> <p data-bbox="237 974 893 1052">For more information on EPA's FY2011-13 National Enforcement Goals, please visit:</p> <p data-bbox="274 1108 878 1136">http://www.epa.gov/oecaerth/data/planning/initiatives/goals.html</p> <p data-bbox="906 1293 914 1304">5</p>	

Rural Ozone

- Goal - Where local area strategies are not enough for areas to come into attainment, discuss what States could do to influence "regional" reduction strategies
- Set Stage – What would the attainment status be for our States under 3 new ozone standard scenarios
- Western ozone background concentrations
- Discussion – J. Corra lead

5/17/2010

1



Region 8 Counties with Ozone Above 0.075 ppm

2007-2009 Data

Current NAAQS: 0.075 ppm

January 2010 Proposed NAAQS:

0.060 to 0.070 ppm

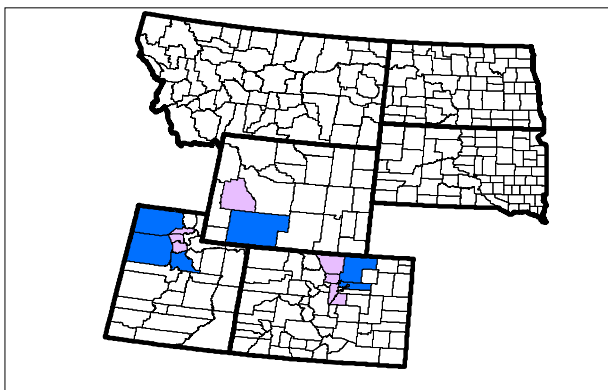
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COUNTIES

- No Data or < 0.060 ppm
- 0.061 to 0.064 ppm
- 0.065 to 0.069 ppm
- 0.070 to 0.074 ppm
- 0.075 ppm or greater

5/17/2010

2



Region 8 Counties with Ozone Above 0.070 ppm

2007-2009 Data

Current NAAQS: 0.075 ppm

January 2010 Proposed NAAQS:

0.060 to 0.070 ppm

Legend

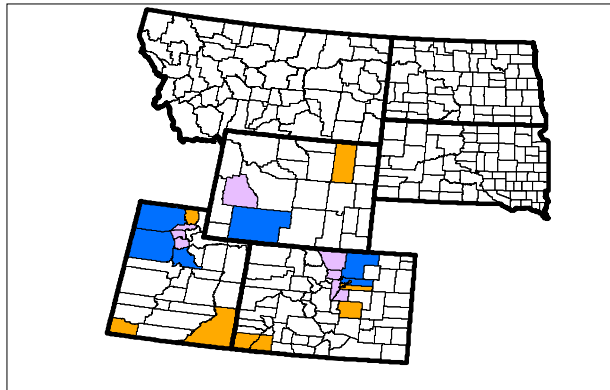
COUNTIES

- No Data or < 0.060 ppm
- 0.061 to 0.064 ppm
- 0.065 to 0.069 ppm
- 0.070 to 0.074 ppm
- 0.075 ppm or greater

5/17/2010

3

Air Quality



Region 8 Counties with Ozone Above 0.065 ppm

2007-2009 Data

Current NAAQS: 0.075 ppm

January 2010 Proposed NAAQS:

0.060 to 0.070 ppm

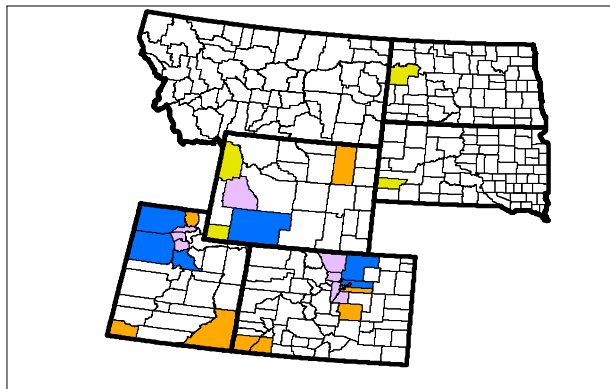
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COUNTIES

- No Data or < 0.060 ppm
- 0.061 to 0.064 ppm
- 0.065 to 0.069 ppm
- 0.070 to 0.074 ppm
- 0.075 ppm or greater

5/17/2010

4



Region 8 Counties with Ozone Above 0.060 ppm

2007-2009 Data

Current NAAQS: 0.075 ppm

January 2010 Proposed NAAQS:

0.060 to 0.070 ppm

Legend

COUNTIES

- No Data or < 0.060 ppm
- 0.061 to 0.064 ppm
- 0.065 to 0.069 ppm
- 0.070 to 0.074 ppm
- 0.075 ppm or greater

5/17/2010

5

Western Ozone Background Concentrations

EPA Defined "Policy Relevant Background" for Ozone is Approx. 40 ppb*

Region 8 Rural Background Ozone Monitors:

4th Maximum 8-hour avg., ppb

Year	Glacier (MT)	Yellowstone (WY)	Gothic (CO)	Canyonlands (UT)	Great Basin (NV)
2006	59	69	70	70	72
2007	54	65	63	72	75
2008	57	65	71	71	71
2009	55	63	Not Available	68	69

* EPA Staff Paper for the Ozone NAAQS Review: EPA-452/R-07-007, July 2007, p. 2-48
5/17/2010

6

Air Quality

Regional Haze and Tri-State Study Pilot Project

Regional Haze

Regional Haze SIP Status

- Section 308 Regional Haze SIPs were due 12/17/07
- 1/15/09 - 37 states received findings of failure to submit their SIPs
- 1/15/11 - deadline to have SIPs/FIPs in place
- Early 5/10: For the Western Regions, since the Findings, 7 final SIPs have been submitted (CA, KS, ND, NV, OK, OR, TX)
- Most remaining SIPs are expected in mid to late 2010

309 SIPs - Backstop Trading Program for SO₂

- Four states (AZ, NM, UT, and WY) opted to submit 309 SIPs
- UT and WY submitted 309 SIPs in late 2008
- 309g SIPs required for NO_x, PM, and long term strategy (UT submitted, awaiting WY)

5/17/2010

7

Regional Haze (cont.)

WildEarth Guardians' (WEG) Lawsuit

- EPA was sued on 6/2/09 for failure to act on SIPs or FIPs to satisfy Interstate Transport for the 1997 8-hour ozone and PM_{2.5} NAAQS
- Seven western states were named in the lawsuit: CO, ND, NM, OK, CA, ID, and OR
- Under consent decree, final visibility related prong SIPs/FIPs are required to be in place by 5/10/11

5/17/2010

8

Tri- State Study Pilot Project

- Comprehensive cumulative effects air quality analyses in the Tri-State area would establish a credible baseline for future air quality estimates and serve as the basis for State planning efforts and FLM NEPA analyses
- Over the course of the 3 years, 13 new monitoring sites are being added; BLM, WY DEQ, EPA, USFS will provide varying levels of funding. Total 3-year funding: \$2.87M total. CO, UT, and WY providing additional staff support for monitoring efforts.
- Data Warehouse (Scoping/Design and Operation)
- Modeling Center
- MOA Under Development

5/17/2010

9

Energy Round Table

Some of the issues that will be discussed are: coal bed methane, oil shale, renewable fuels, uranium, renewable energy, power plants, etc.

Work Sharing and Streamlining Work Processes

LEAN

Streamlining Work Process (i.e., LEAN)

Region 7 SIP Kaizen (LEAN) Event

- **Participants:** EPA HQ, EPA Region 7 and its States, Regions 4 and 6
- **Scope:** SIP process from EPA rule promulgations to State SIP submittal to final EPA approval of SIP
- **Goals:**
 - 100% of approvable NAAQS attainment SIPs occur within statutory time frames.
 - SIPs are of sufficient quality to be approvable on first pass.
 - Reduce processing time by 50%.
 - Eliminate a 1/3 of SIP backlog each year for the next 3 years.

5/17/2010

1

LEAN (cont.)

- **Process changes to achieve goals:** Requires HQ, Regional and State changes
- **Transferability:** EPA evaluating the results of the Region 7 process to determine applicability in other Regions and States
- **Next Steps:**
 - EPA and States progress of various workgroups already underway.
 - Workgroups include: SIP Template, Public Comment Efficiency, Federal Measures, RPO Strategy, Menu of Control Measures and federal rule quantification, and overall roll out plan.

5/17/2010

2



Our Priorities



"These priorities are built around the challenges and opportunities inherent in our mission to protect human health and the environment. I have confidence in our ability to meet every challenge, and seize every opportunity."

— Lisa P. Jackson, Administrator

- ✓ Taking Action on Climate Change
- ✓ Improving Air Quality
- ✓ Assuring the Safety of Chemicals
- ✓ Cleaning Up our Communities
- ✓ Protecting America's Waters
- ✓ Expanding the Conversation on Environmentalism and Working for Environmental Justice
- ✓ Building Strong State and Tribal Partnerships



Regional and State Priorities

EPA Region 8 Priorities

The following priorities (A-G) were discussed and adopted at the 2009 State Directors Meeting:

- A. Building Partnerships With the Agriculture Community**
- B. Improving Air Quality**
- C. Addressing Climate Change**
- D. Energy**
- E. All Hazards Response**
- F. Building State and Tribal Capacity**
- G. Direct Implementation**

These additional priorities were added by the R8 SLT:

- H. Sustainable and Healthy Communities**
- I. Stronger EPA**
- J. American Reinvestment and Recovery Act (ARRA)**
- K. Restoring Imperiled Waters**

A. Building Partnerships With the Agriculture Community

Region 8 will work in partnership with the agricultural community, other federal agencies, states, tribes, and others to help achieve continual environmental improvement and promote environmentally sustainable production of safe, abundant supplies of food and fiber in support of the following goals:

- ☐ Restore and Maintain Water Quality
- ☐ Encourage Agriculture Pollution Prevention
- ☐ Protect Health of Agricultural Workers
- ☐ Improve Outdoor Air Quality
- ☐ Build and Maintain Productive Partnerships

B. Improving Air Quality

The overall goal is to work with our State, Tribal and federal partners to achieve and maintain healthy air quality. A particular focus will be on effectively addressing air quality impacts from energy development. Region 8 will provide oversight and technical assistance to our States and Tribes and fulfill direct implementation responsibilities. Major program emphasis areas will be:

- ☐ Permitting
- ☐ Work with states on ozone designation issues
- ☐ Work with states and Federal Land Managers on the potential establishment of a data warehouse and/or air quality analysis center to be used for NEPA and regulatory programs
- ☐ Regional Haze FIPs
- ☐ Diesel emission reductions from DERA/ARRA
- ☐ Work with Utah on PM2.5 nonattainment SIP development
- ☐ Reduce SIP Backlog as described in Consent Agreement

C. Addressing Climate Change

Many states, tribes, and municipalities in Region 8 have been proactive in addressing climate change in various ways. As part of the Climate Change priority, Region 8 will continue to recognize and support the important role of these efforts, and will reach out to identify ways in which we can provide assistance and work in collaboration to make our programs compatible and complementary. The Region 8 Climate Change priority will:

Regional and State Priorities

- Support Administrator's Clean Energy/Climate priority through implementation of GHG reporting rule, and work with sources to improve energy efficiency and reduce GHG emissions by leveraging existing federal, state and local programs
- Assess and plan for the effects of climate change on current and future responsibilities of the regional office
- Demonstrate environmental leadership through new building operations and outreach, including further integration of Region 8 Environmental Management System (EMS)
- Identify and implement goals and priority activities that have the highest potential to reduce greenhouse gas emissions and increase our capacity to adapt to climate variability
- Support our partners, including states and communities, in their response to the challenge of climate change through knowledge building, technical assistance, and partnerships
- Implement priority climate change activities to expedite reductions in carbon emissions

D. Energy

Region 8 contains extensive fossil fuel, mineral and renewable energy resources – so extensive that the Region is in many ways the center of the nation's energy future. With the current emphasis on resource extraction and electricity production to meet growing demand, energy projects in our Region are increasing. Region 8 programs protect air, water, land and ecosystems from the potential impacts of energy development and production and encourage energy conservation and renewables. The Region 8 Clean Energy priority focuses upon achieving the following goals and objectives:

- Support Administrator's Clean Energy/Climate goals, including support for Carbon Capture and Sequestration (CCS) readiness, and Underground Storage Tank (UST) compatibility efforts
- Region 8 decision processes for energy projects will be efficient and timely and will meet or surpass EPA regulatory requirements
- EPA's energy goals will be pursued in collaboration with states, tribes, federal agencies and other stakeholders
- Help provide affordable energy and a clean environment through improved compliance.
- Increased production of renewable and non-renewable energy and greater energy efficiency to enhance national security and economic growth
- Support projects that facilitate clean and renewable energy production and ensure transmission capacity
- Accelerate protection of public health and the environment by helping America use energy more efficiently and affordably, speeding the transition to cleaner energy sources, improving energy security and reducing greenhouse gases
- Implement Energy Act 2005 and the Energy Independence and Security Act of 2007

E. All Hazards Response

As part of efforts to improve preparedness and the ability to respond to terrorist attacks, EPA has been called upon to play a strategic role in homeland security. The president has given EPA the responsibility for safeguarding the nation's drinking water supplies and delivery systems and for responding to biological, chemical and hazardous waste risks posed by potential terrorist attacks.

Regional and State Priorities

Region 8 will continue to strengthen the communications network we have established with federal, state and local response authorities; enhance expertise and readiness through training and coordinated exercises; and take additional steps to secure infrastructure and hazardous materials. In the long term, our efforts will maximize the Region's capability to assure time-critical and coordinated responses to terrorist incidents and natural disasters. Region 8 will also expand the Region's capability to respond to Incidents of National Significance (INS) and continue operations during shutdown of the Regional Office or a pandemic disease outbreak.

EPA continues to focus our attention and efforts on four homeland security priority areas:

- ☐ Water Security (Sector Lead)
- ☐ Decontamination (U.S. Government Coordinator/Lead)
- ☐ Emergency Response
- ☐ Internal Preparedness including Continuity of Operations Plan (COOP) / Pandemic Flu

F. Building State and Tribal Capacity

This priority is intended to further improve the federal-state/tribal working relationships and to identify opportunities to enhance state and tribal capability to deliver environmental program services. The elements of the priority include:

- ☐ Providing resources, partnering and work-sharing, Technical assistance, Training opportunities
- ☐ Promote Innovations and flexibilities
- ☐ Collaborate on priorities
- ☐ Improve the ability to focus limited resources on priorities
- ☐ Maintain core programs within the bounds of available resources as negotiated in Performance Partnership Agreements

G. Direct Implementation

Region 8 is responsible for, and deploys significant resources to directly implement environmental programs on tribal lands and to implement programs where states are either not delegated authority or where programs cannot be delegated. Our direct implementation responsibilities are critical to our mission to protect public health and the environment.

Through program implementation, permitting, inspections, compliance assistance, enforcement and performance of Superfund and NEPA activities Region 8 fulfills these direct implementation responsibilities.

Region 8 is home to 27 tribal nations with a land area of approximately 28 million acres. In almost all cases, Region 8 implements all environmental programs on these lands. Direct implementation will continue to demand attention and resources, especially as increased activities in sectors such as energy expand programmatic workloads. In addition to the metrics below direct implementation commitments can be found under *Building State and Tribal Capability, Energy, Climate Change Building Partnerships with the Agriculture Community, and Air Quality*.

H. Sustainable and Healthy Communities

The environmental health and long-term viability of our communities continues to be a priority of both Region 8 and this Administration. Through initiatives aimed at ensuring Sustainable and Healthy Communities, EPA's goal is to foster an integrated approach to community development, with an emphasis on risk and exposure reductions, protecting Children's health and improving the lasting livability of our communities.

The Administrator identified the Promoting Healthy Communities investment

Regional and State Priorities

and protecting at-risk communities as primary themes for agency efforts to protect public health and the environment. Increased monitoring and analytical services, including efforts in cumulative risk assessment and risk communication research, along with an emphasis on the cleanup and revitalization of contaminated properties and greater community participation are ways to achieve this cross-programmatic goal. Specifically, initiatives to reduce exposures to pollutants through Healthy School initiatives aim to improve human health for a significant number of individuals in our most at-risk communities.

Through agency initiatives and board partnerships the Region will examine opportunities for enhanced engagement in implementing sustainable practices in our communities. In addition, EPA strives to meet the President's challenge for Agencies to work together to encourage and fully assist rural, suburban and urban areas build sustainable communities using the following principles:

- ☐ Energy efficiency/water usage/footprint.
- ☐ Reducing Exposure Risks.
- ☐ Community engagement. ☐ Clean up/Redevelop/revitalize properties.
- ☐ Expand Availability of Green jobs.
- ☐ Support existing communities.
- ☐ Provide more transportation choices.
- ☐ Promote equitable, affordable housing.
- ☐ Enhance economic competitiveness.
- ☐ Support existing communities.
- ☐ Coordinate policies and leverage investment.
- ☐ Value communities and neighborhoods.

I. Stronger EPA

Region 8 will provide National (Lead Region) leadership for Human Resources and Human Capital Initiatives. Region 8 will collaborate with EPA Headquarters in capturing the focus and successes of "Stronger EPA" and integrating/re-branding this important work in the current Administration.

Region 8 will align with OPM's Strategic Plan and their vision that the

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Federal Government becomes America's Model Employer for the 21st Century. OPM's 4 broad strategic goals include:

"Hire the Best": Recruit and hire the most talented and diverse Federal workforce possible to serve the American people.

"Respect the Workforce": Provide the training, benefits, and work-life balance necessary for Federal employees to succeed, prosper, and advance in their careers.

"Expect the Best": Ensure the Federal workforce and its leaders are fully accountable and are fairly appraised while having the tools, systems, and resources to perform at the highest levels to achieve superior results.

"Honor Service": Ensure comparable recognition and reward for exemplary performance of current employees and honor the careers of Federal retirees.

J. American Reinvestment and Recovery Act (ARRA)

The Recovery Act included almost \$380 million for projects and programs administered by EPA Region 8. These programs will protect and promote both "green" jobs and a healthier environment. These environmental areas include:

Clean Water State Revolving Fund and Drinking Water State Revolving Fund: Distributed over \$260 million to assist communities with water quality and wastewater infrastructure needs and drinking water infrastructure needs.

Regional and State Priorities

A portion of the funding will be targeted toward green infrastructure, water and energy efficiency, and environmentally innovative projects.

Brownfields: Nearly \$4.5 million in competitive grants and loans to evaluate and clean up former industrial and commercial sites.

Diesel Emissions Reduction: Over \$17 million in grants and loans to help regional, state and local governments, tribal agencies, and non-profit organizations with projects that reduce diesel emissions.

Superfund Hazardous Waste Cleanup: Over \$75 million in contracts for the cleanup of hazardous sites.

Leaking Underground Storage Tanks: Nearly \$10 million to cleanup petroleum leaks from underground storage tanks.

K. Restoring Imperiled Waters

The Restoring Imperiled Waters initiative is a place based program which will address pressing water quality challenges facing Region 8 and the nation. Complementing and building upon the efforts in other watersheds, our efforts will achieve water quality improvements in key watersheds through targeted implementation of core water programs, leveraging more effective partnerships, and strategic targeting of resources. In the urban sector, the program will focus on helping disadvantaged communities reconnect with their waters and collaborate with a variety of partners to improve water quality while achieving other community goals

Combine Animal Feeding Operation

NPDES CAFO Program Update

Background:

The Federal Concentrated Animal Feeding Operation (CAFO) regulations issued pursuant to the Clean Water Act (CWA) were effective on December 22, 2008. Authorized states for purposes of the CWA National Pollutant Discharge Elimination System (NPDES) program must review and revise as necessary, relevant state statutes and regulations to ensure the state authority is at least as stringent as the Federal program. Under 40 C.F.R. 123.62(e), States have one year from the promulgation date of the 2008 CAFO rule to adopt any needed program revisions (by 12/4/09), or up to two years if statutory revisions are needed (by 12/4/10).

Petitions for review of the 2008 CAFO rule were filed by livestock industry groups and environmental groups. These petitions were consolidated and are now pending in the U.S. Court of Appeals for the 5th Circuit (New Orleans, Louisiana).

Current Status:

- The Water Program sent letters to Region 8 states on September 10, 2009, outlining requirements for regulatory/statutory revisions to their NPDES regulations to ensure equivalency with the Federal 2008 CAFO rule.
- Settlement agreement with the environmental petitioners is pending. Litigation with the livestock industrial petitioners is still ongoing. All briefs have been filed and no oral arguments have been scheduled yet.

Key Messages:

- EPA is encouraging states to move forward in adopting and implementing the 2008 CAFO final rule.
- Ongoing litigation does not relieve EPA or States of responsibilities under CWA to move forward with implementation.
- EPA is moving forward with issuance of Federal permits and development of guidance.
- EPA will work with States to assist with program revisions and ensure that all CAFOs that require NPDES permits are permitted in accordance with CWA requirements.

Current Status of E-15

DOE is continuing longer term testing on 19 vehicles to see what effects there may be with using E-15. DOE has looked at Tier II compliant vehicles (2007 and later model years) and they are working on finishing testing 2001 to 2006 vehicles. DOE is supposed to have this testing done by August, 2010. EPA may make a decision prior to that time ("... sometime in mid-year 2010...") but would prefer to wait until DOE has finished all of their testing. Question could be how the infrastructure (station pumps) and such will need to be modified to accommodate this will need to be addressed. There may be auto warranty issues. A short history of this issue can be found at: <http://www.epa.gov/otaq/additive.htm#notices>

Here's brief info. on the light-duty vehicle GHG/CAFE standards rule; also included a link at the bottom to OTAQ's fact sheet on this:

Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; Final Rule

AGENCY: Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: EPA and NHTSA are issuing this joint Final Rule to establish a National Program consisting of new standards for light-duty vehicles that will reduce greenhouse gas emissions and improve fuel economy. This joint Final Rule is consistent with the National Fuel Efficiency Policy announced by President Obama on May 19, 2009, responding to the country's critical need to address global climate change and to reduce oil consumption. EPA is finalizing greenhouse gas emissions standards under the Clean Air Act, and NHTSA is finalizing Corporate Average Fuel Economy standards under the Energy Policy and Conservation Act, as amended. These standards apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016, and represent a harmonized and consistent National Program. Under the National Program, automobile manufacturers will be able to build a single light-duty national fleet that satisfies all requirements under both programs while ensuring that consumers still have a full range of vehicle choices. NHTSA's final rule also constitutes the agency's Record of Decision for purposes of its National Environmental Policy Act (NEPA) analysis.

DATES: This final rule is effective on July 6, 2010

CONTACT: EPA: Tad Wysor, 734-214-4332; wysor.tad@epa.gov

or Assessment and Standards Division Hotline; (734) 214-4636; asdinfo@epa.gov

NHTSA: Rebecca Yoon, (202) 366-2992

OTAQ Fact Sheet:

<http://www.epa.gov/otaq/climate/regulations/420f10014.pdf>

Enforcement Goals

State Authorization of the New Lead RRP Program

Background: Two years ago, the U.S. Environmental Protection Agency (EPA) finalized its Renovation, Repair, and Painting (RRP) regulation, which is an important additional step in preventing childhood lead poisoning in the United States. The RRP Rule mandates that contractors working in homes and child-occupied facilities built before 1978 be trained and certified to follow lead-safe work practices when paint is disturbed during renovation, repair or maintenance activities. On April 22, 2010, following a two-year phased implementation, the RRP Rule came into full effect.

Similar to EPA's lead abatement program, the RRP program may be delegated to States, Territories, and Indian Tribes. Starting in June 2008, States were allowed to pursue authorization to implement EPA's new Lead-based Paint RRP Program.

Under the lead abatement program, States have already been key partners and contributors to EPA's lead poisoning prevention program. In Region 8, Colorado, North Dakota, and Utah have all become authorized to run the EPA's lead abatement program. EPA has encouraged these States to expand the critical role they are already playing by developing their own RRP Program that fits the unique characteristics of their State.

To that end, on April 20, 2010, the State of Utah became the fifth state in the nation to become authorized to administer and enforce the RRP Program. Colorado and North Dakota are exploring pursuit of RRP Program authorization as well.

It appears that overall funding for EPA's lead poisoning prevention program has not increased with the addition of the new RRP Program. It is anticipated that as more States take on authorization of the RRP Program, States that have adopted only the lead abatement program will see their program funding shrink over time - while States that take on the new RRP program will see an increase in their overall funding. The RRP program is designed to support itself through fee-based funding sources. Under the rule, firms are required to become certified and individual renovators to become trained and certified. Both certification requirements can be tied to collection of a fee.

Regulatory Background: On April 22, 2008, EPA issued a final rule on the Lead; Renovation, Repair, and Painting program to address lead-based paint hazards created by renovation, repair and painting activities that disturb lead-based paint in target housing and child-occupied facilities. On or after June 23, 2008, under section 404(a) of TSCA, any State or Tribal Program may seek authorization to administer and enforce such a program pursuant to 40 C.F.R., Part 745, subpart E, Residential Property Renovation, instead of the Federal program. EPA also modified the Pre-Renovation Education provisions in 40 C.F.R. Part 745, subpart E and amended the regulations for the authorization of State, Territorial, and Tribal programs at 40 C.F.R. Part 745 subpart Q, to also apply to renovation and remodeling activities. Regulations governing the authorization of State, Territorial, and Tribal programs are codified at 40 C.F.R. Part 745, subpart Q.

Enforcement Goals

Kudos: Utah - the only state in Region 8, 9, or 10 with RRP program authorization

UDEQ Authorized to Implement EPA's New Lead-based Paint Renovation, Repair, and Painting (RRP) Rule

Status: EPA Region 8 will publish a notice of Utah's application for RRP program authorization in the Federal Register and will offer the public an opportunity to provide comments for 45 days following this notice. Public comments will be considered in EPA's review which determines if Utah's RRP program is as protective as our program.

Background: Starting in April 2008, States were allowed to pursue authorization to implement EPA's new Lead-based Paint Renovation, Repair and Painting (RRP) Program. On April 20, 2010, the State of Utah became the fifth state in the nation to become authorized to administer and enforce this program. The Utah RRP Rule mandates that contractors working in homes and child-occupied facilities built before 1978 be trained and certified to follow lead-safe work practices. Similar EPA requirements went into place nationwide on April 22, 2010, but the Utah program will operate in lieu of EPA's program, allowing for greater local oversight. EPA's authorization of Utah's program is based on the receipt of an application from Utah Governor Gary R. Herbert and a certification from Fred G. Nelson, Assistant Attorney General that the Utah program is at least as protective as the EPA RRP program and provides adequate enforcement. The Utah RRP Program will be administered by the Utah Department of Environmental Quality, Division of Air Quality, Lead-Based Paint Program.

Key Points:

- Kudos to the Utah Department of Environmental Quality for becoming authorized to implement the Lead-based Paint Renovation, Repair and Painting (RRP) Rule. With state RRP program authorization, the public receives more customized support and local administration of this important lead-based paint poisoning prevention legislation.
- By becoming authorized prior to EPA's full RRP Rule implementation date, the State of Utah has streamlined messaging and reduced confusion for the regulated audience of contractors who provide renovation, maintenance, and repair services in homes and child-occupied facilities.
- Utah's Lead-based Paint Program has worked in conjunction with EPA-accredited RRP trainers in Utah to prepare them for this transition. They have also spoken at every training session offered in Utah to inform soon-to-be certified renovators that the State of Utah will be overseeing the RRP program instead of EPA.
- The Utah DEQ and EPA offer reciprocity between each other's RRP Programs for firm and renovator certifications and training so that the regulated audience does not have to pay twice for the same services.
- The Utah DEQ is the first Region 8, 9, or 10 State to receive RRP Program authorization. Utah's leadership is providing a more tangible example of western state RRP Program authorization and encourages continued interest and an additional resource for other States as they explore implementing their own RRP Program.

Contacts: John Brink, 303-312-6498; Michelle Reichmuth, 303-312-6966

Enforcement Goals



Data, Planning and Results

You are here: [EPA Home](#) [Compliance and Enforcement](#) [Data, Planning and Results](#) [Planning](#) [National Enforcement Initiatives](#) EPA

EPA Enforcement Goals

Aggressively go after pollution problems that make a difference in communities. Vigorous civil and criminal enforcement that targets the most serious water, air and chemical hazards; advance environmental justice by protecting vulnerable communities.

EPA Administrator:
"Seven Priorities for EPA's
Future"

Administrator Jackson
announces seven key priorities
to focus the agency's work.

» Clean water

- Clean water act action plan: revamp enforcement and work with permitting to focus on the biggest pollution problems, including
 - Get raw sewage out of the water
 - Cut pollution from animal waste
 - Reduce polluted storm water runoff
- Assure clean drinking water for all communities, including in Indian country
- Clean up great waters that matter to communities, e.g. Chesapeake Bay

» Clean air

- Cut toxic air pollution in communities
- Reduce air pollution from largest sources, including coal fired power plants, cement, acid and glass sectors

» Climate and clean energy

- Assure compliance with greenhouse gas reporting rule
- Encourage greenhouse gas emission reductions through settlements
- Target energy sector compliance with air, water and waste rules

» Protect people from exposure to hazardous chemicals

- Prevent releases of hazardous chemicals that threaten public health or the environment
- Press for clean up of hazardous sites in communities: polluter pays
- Reform chemical management enforcement and reduce exposure to pesticides

Reset our relationship with states: make sure we are delivering on our joint commitment to a clean and healthy environment

» Shared accountability

- Make joint progress with states and tribes toward clean air and water goals, protection from exposure to hazardous chemicals
- Work toward shared focus on protecting vulnerable communities

» Strengthened oversight

- Assure strong and effective state enforcement of federal environmental laws
- Press for consistent enforcement across states and regions: fairness and level playing field

» Establish new model for shared accountability and strengthened oversight, starting with water

- Build focus on highest priority problems into grants, enforcement and permitting agreements
- Define clear expectations for state performance
- Take federal action where not meeting minimum expectations

Improve transparency

- » Make meaningful facility compliance information available and accessible using 21st century technologies
- » Hold government accountable through public information on state and federal performance
- » Promote better federal environmental decisions and public engagement through the National Environmental Policy Act (NEPA)

Planning Topics

- Enforcement Initiatives
 - Enforcement Goals
 - FY2011 - 2013 Initiatives
 - FY2008 - 2010 Initiatives
- Short Term Planning
- Long Term Planning

Enforcement Goals

Enforcement National Goals and Initiatives Background



EPA National Enforcement Goals and Initiatives

Mike Gaydosh
Assistant Regional Administrator
Enforcement, Compliance and Environmental Justice
EPA Region 8

1



EPA Enforcement Goals FY2011-13

- Aggressively go after pollution problems that make a difference in communities
- Vigorous civil and criminal enforcement
- Advance environmental justice

2



EPA Enforcement Goals FY2011-13

- Reset EPA Relationship with the States
 - Shared accountability
 - Strengthened oversight
 - Establish new model, starting with water

3

EPA Enforcement Goals FY2011-13

- Improve Transparency
 - Compliance information available online
 - Public information on state and federal performance
 - Promote better federal decisions and public engagement through NEPA

4

Criteria for EPA National Enforcement Initiatives

- Significant Environmental Benefit
- Pattern of Noncompliance
- Appropriate Federal Enforcement Responsibility:

5

EPA's FY 2008 – 2010 National Enforcement Initiatives

- CWA
- CAA
- RCRA
- Tribal
- RCRA/CERCLA

6

Benefits of EPA Enforcement Initiatives

- Important problems gain focused attention
 - Senior management involvement throughout
 - Resources directed toward these problems
 - Progress is planned and measured
- As a result:
 - Noncompliance addressed in key sectors, e.g., petroleum refining, mineral processing
 - Public is informed and Agency is accountable

7

FY2011-13 EPA National Enforcement Initiatives

- Municipal Waste Water Infrastructure (CSOs, SSOs, MS4s)
- Concentrated Animal Feeding Operations (CAFOs)
- Air Toxics
- New Source Review
- Mineral Processing
- Energy Extraction


8

Keep Raw Sewage and Contaminated Stormwater Out of Our Nation's Waters

- Reduce discharges from
 - CSOs
 - SSOs
 - MS4s

9

Enforcement Goals



Prevent Animal Waste from Contaminating Surface and Ground Waters

- Focus primarily on existing large and medium CAFOs identified as discharging without a permit

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National Environmental Information Exchange Network

The Environmental Information Exchange Network (Exchange Network) is an Internet-based approach for exchanging environmental data among partners (e.g., EPA, states, tribes and territories). Built on the principles of applying data standards; providing secure, real-time access; and electronically collecting and storing accurate information, the Exchange Network enables participants to control and manage their own data while making it available to partners via requests over a secure Internet connection. By facilitating the efficient exchange of environmental information among interested parties at all levels of government, the Exchange Network has begun to transform the way information is shared.

The information technologies featured on the Exchange Network allow EPA and its partners to save time and resources on environmental reporting and ensure timely, high-quality data exchanges. The Exchange Network also fosters new information exchanges among its partners by providing infrastructure and services.

Exchange Network Objectives

- Improved data quality
- Reduced burden and costs associated with accessing and reporting data
- Increased timeliness and accuracy of data
- Enhanced data access to support stronger environmental decisions

Exchange Network Grant

Region 8 State/Tribal Grants

Pending Awards New 2010	4	\$ 739,600
Active Awards Open	17	\$ 4,398,757
Closed Awards	33	\$11,330,669
Total Awards	54	\$16,469,026
Unliquidated Amount		\$ 3,469,010

FY2011 Solicitation scheduled
for release in July 2010

Applications Due November 5

For More Information:

www.epa.gov/exchangenetwork/
www.exchangenetwork.net

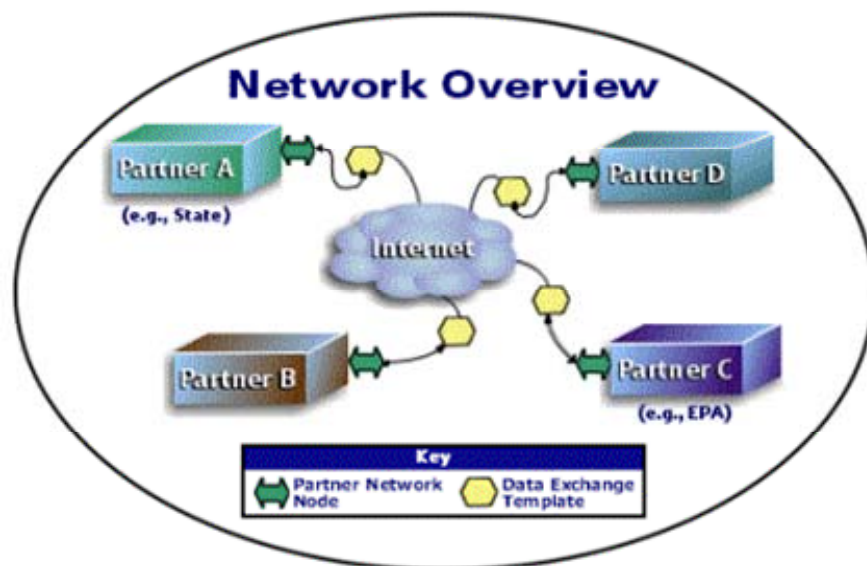
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The Exchange Network

- Overview of Network
 - Seamless and secure sharing of data over Internet
 - Based on common standards
- Supports our Mission
 - Simplifies access to critical data
 - Support for geographically-based and multi-media analysis through data integration
- New tools being developed to simplify access



An Internet and standards-based method for exchanging environmental information between partners

For More Information:

www.epa.gov/exchangenetwork/
www.exchangenetwork.net

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National Data Flow Exchanges

Completing Phase I of the Exchange Network -- April 2010																
EPA Regions	State	Water				Enforcement		Air		Waste	Multi-Media		Expected State Flow	Current State Flow	Progress	
		WQX	SDWIS	UIC	eBeaches	NetDMR/eDMR	ICIS-NPDES	AQS	EIS/NEI	RCRA	FRS	TRI				
		EN Only	TBD	EN Only	TBD	EN Only/2014	2014	2012	EN Only	TBD	EN Only	EN Only				
		Frequency of Submission														
		Episodic	Quarterly	Quarterly	Seasonal	Episodic	Monthly	Episodic	Yearly + Updates	Monthly	Yearly	Yearly + Updates				
8	CO	Unknown	Flow	Unknown	ND	Direct	Direct	Unknown	Q3 2010	Direct	Discontinued	Flow	7	2	28.6%	
8	MT+	Flow	Flow	Flow	ND	Q2 2012	Direct	Not in Plan	Q3 2010	Not in Plan	Flow	Not in Plan	9	4	44.4%	
8	ND+	Flow	Flow	Flow	ND	Q4 2012	Q4 2012	Discontinued	Q3 2010	Direct	Flow	Not in Plan	9	4	44.4%	
8	SD	Q4 2010	Q4 2010	Q1 2012	ND	Q1 2012	Direct	Unknown	Q2 2010	Unknown	Unknown	Q2 2010	9	0	0.0%	
8	UT+	Q4 2010	Discontinued	Discontinued	ND	Not in Plan	Direct	Not in Plan	Flow	Not in Plan	Not in Plan	Flow	9	2	22.2%	
8	WY	Flow	ND	Flow	ND	Unknown	Unknown	Unknown	Q2 2010	Unknown	Discontinued	Unknown	9	2	22.2%	
States Total		3	3	3					1		2	2	52	14	26.9%	
Data collected for data flows between 01/01/2004 and 12/31/2009																
* Data Flow Funding = total grant funding awarded to support development and implementation of one or more data flows																
Flow		= A record of at least one transaction for the flow exists within the period defined as current for that flow														
Direct		= Jurisdiction has indicated an intent to continue using the EPA application as its primary data system (ICIS, RCRA Only), and none of the above conditions apply														
ND		= No state agency has primary for the related program														
Planned		= Jurisdiction has indicated in regional outreach or grant commitment that it intends to implement the flow														
Discontinued		= Data flowed in previous years but not flowed during recent reporting cycles														
No Plan		= An Implementation Plan was submitted by the state but it did not address this flow														
Unknown		= None of the above definitions apply and an opportunity for participation remains for the jurisdiction														

National Data Exchange Matrix above updated quarterly by EPA HQ. Contact EPA for complete listing of all available data exchanges.

Note: Each of the 2011 National Program Guidance documents emphasizes use of the Exchange Network as the preferred way to share and exchange data. Review language and Include Exchange Network discussions in this year's PPA negotiations and mid-year/mid-cycle review conversations.

For More Information:

www.epa.gov/exchangenetwork/
www.exchangenetwork.net

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CROMERR Overview for States, Tribes and Local Governments

Purpose

The Cross-Media Electronic Reporting Regulation (CROMERR) provides the legal framework for electronic reporting to the Environmental Protection Agency (EPA) and states, tribes, and local governments that are authorized to administer EPA programs. CROMERR is intended to reduce the cost and burden of electronic reporting while maintaining the level of corporate and individual responsibility and accountability that exists in the paper environment.

How & When Does It Apply?

CROMERR Applies To:

- Persons or entities that submit electronic reports or documents to EPA.
- Authorized programs that receive electronic reports or documents.

CROMERR Does Not Apply To:

- Documents submitted by fax, magnetic media such as floppy disks, or optical media such as CDs.
- Submissions not under 40 CFR.

Background

EPA published a final rule on October 13, 2005, establishing a framework by which it will accept electronic reports from regulated entities. CROMERR could apply to any document submissions required by or permitted under any EPA or authorized program governed by EPA's regulations in Title 40 of the Code of Federal Regulations (CFR), if it is submitted electronically.

Under CROMERR, both new and existing electronic reporting systems require EPA approval. The regulation provides a framework for applying for, and obtaining such approval.

Region 8 Application Status

Of 4 applications submitted to date,

2 applications approved:

ND - DW lab to state

UT – NPDES NetDMR

2 applications pending review or determined incomplete/awaiting updated information.

CO- DW lab to state

WY- 51 reports (multiple programs)

Compliance Date:

- New electronic document receiving systems must receive EPA approval before they begin receiving electronic documents.
- Existing systems must submit applications by January 13, 2010.

R8 Contact:

Josie Lopez
Lopez.josie@epa.gov
(303) 312-7079

Assistance available

- Monthly Q&A Calls
- CROMERR 101 Webinar

www.epa.gov/cromerr





EPA Region 8 State Directors Meeting

May 26 – 27, 2010

Presentations

Day 1

1. Welcome ~ Jim Martin, EPA R8 Regional Administrator
2. Climate Change ~ Laura Farris, R8 Climate Change Coordinator
3. Discussion on Greenhouse Gases ~ Juan E. Santiago, EPA HQ
4. NPDES Pesticides Permit ~ Sandra Stavnes, EPA R8 Acting Water Program Director
5. Communities ~ Cindy Cody, EPA R8 Sustainability Coordinator, OPRA
6. Salt Lake City Project ~ Amanda Smith, Executive Director Utah DEQ ,
~ Debra Thomas, EPA R8 Deputy ARA OPRA
7. Budget and ARRA Status ~ Judith Wong, EPA R8 ARA TMS
8. Water Quality I ~ Sandra Stavnes, EPA R8 Acting Water Program Director
9. Water in the West ~ Jim Lochhead
10. Water Quality II ~ Leonard Blackham, Commissioner Utah Department of Agriculture
~ Bert Garcia, EPA R8 Director EPR
11. SPCC Regulation ~ Kathie Atencio, EPA R8 Unit Chief, EPR
12. Enforcement ~ John Cora, Director Wyoming Department of Environmental Quality
~ Andrew M. Gaydosh, EPA R8 ARA ECEJ

Presentations

Day 2

13. Air Quality ~ Callie Videtich, EPA R8 Director Air Program OPRA
14. Energy Round Table ~ Stephen Tuber EPA R8 ARA, OPRA
15. Work Sharing and Streamlining Work Processes (LEAN)
 - ~ Carol Rusin, EPA R8 DRA
 - ~ Callie Videtich, EPA R8 Director Air Program OPRA
16. EPA Administrator and Regional Priorities ~ Carol Rusin, EPA R8 DRA
17. Summary and Review of Action Items ~ Jim Martin, EPA R8 RA



Welcome



Developments in U.S. National Climate Change Policy

State Directors Meeting
May 26, 2010

Laura Farris
Climate Change Coordinator
EPA Region 8



DRAFT - DELIBERATIVE - DO NOT CITE OR QUOTE
DRAFT - DELIBERATIVE - DO NOT CITE OR QUOTE

Overview



- GHG Reporting Rule
- GHG Tailoring Rule
- Vehicle GHG and Fuel Economy Rule
- Sequestration Rule
- GHG Legislative Update
- Questions/Answers



GHG Reporting Rule



Overview

- Final rule effective December 29, 2009
- Covers ~10,000 facilities emitting 25,000 metric tons or more CO₂e per year – 85% of US emissions
- Data collection starts January 1, 2010 – first reports due March 31, 2011



GHG Reporting Rule



New Actions

- Eight proposed subparts in various stages to add new sources categories and reporting requirements
- Upcoming “notice and comment” related to CBI



GHG Reporting Rule

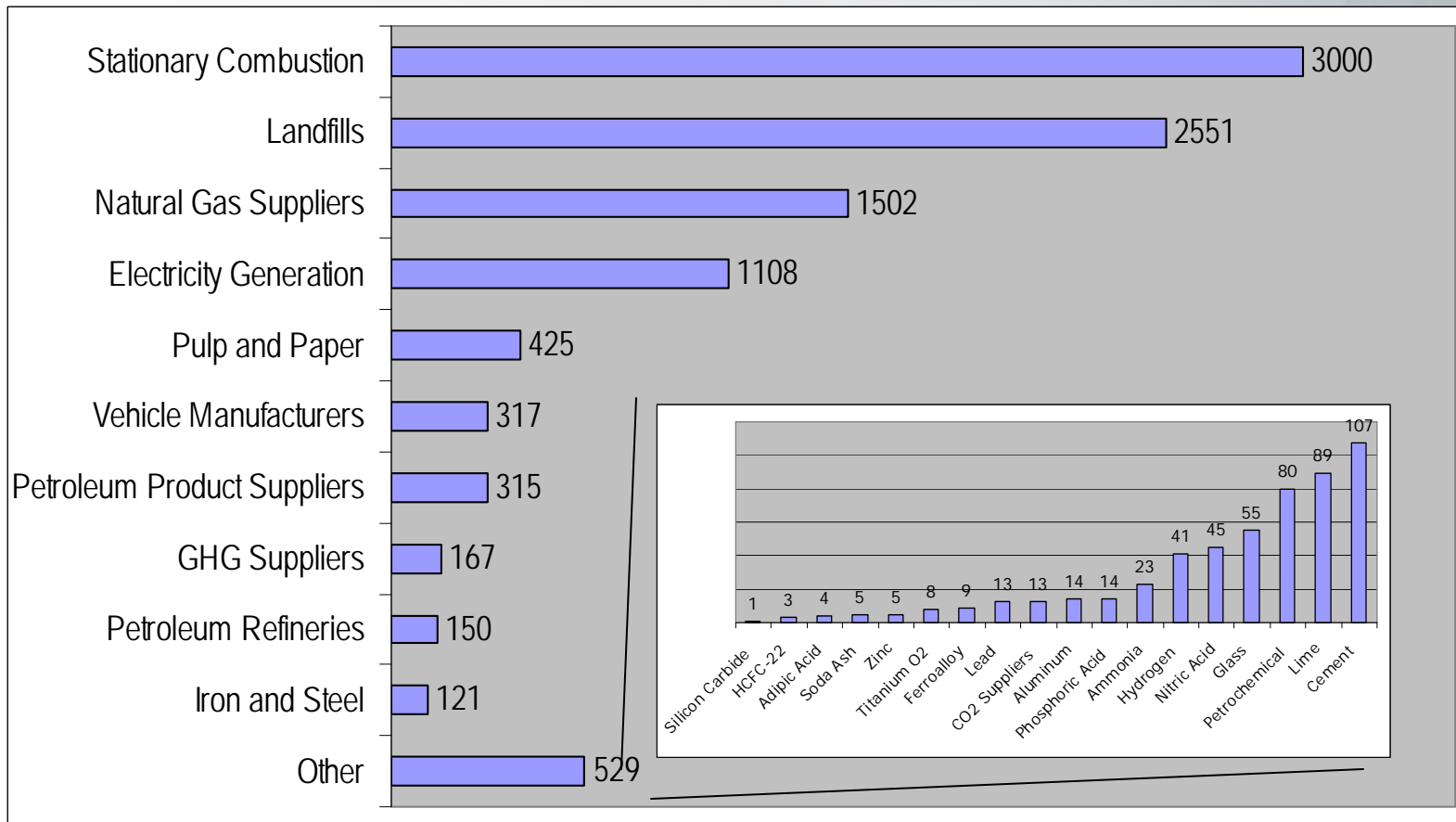


Impact on State Programs

- No state delegation of the EPA Program
- Does not preempt states from regulating or requiring reporting of GHGs
- EPA working with ECOS to integrate state programs with EPA's



GHG Reporting Rule



GHG Tailoring Rule



Overview

- Final rule signed May 13, 2010 – will apply to only the largest facilities
- Sets thresholds for GHGs that define when permits are required under PSD and title V
- Without the rule, lower thresholds would take effect on January 2, 2011



GHG Tailoring Rule



Overview

- Addresses emissions of six GHGs:

Carbon dioxide (CO ₂)	Methane (CH ₄)
Nitrous oxide (N ₂ O)	Hydrofluorocarbons (HFCs)
Perfluorocarbons (PFCs)	Sulfur hexafluoride (SF ₆)
- The sum of these GHGs on a CO₂e basis is the “air pollutant”



GHG Tailoring Rule



Phase-In Steps

Step 1: January 2, 2011 to June 30, 2011 – Only sources currently covered by the permitting programs (“anyway sources”) and those with GHG emissions of 75k or more resulting from a change

Step 2: July 1, 2011 to June 30, 2013 – New sources with emissions of 100k or more, and major source modifications of 75k or more

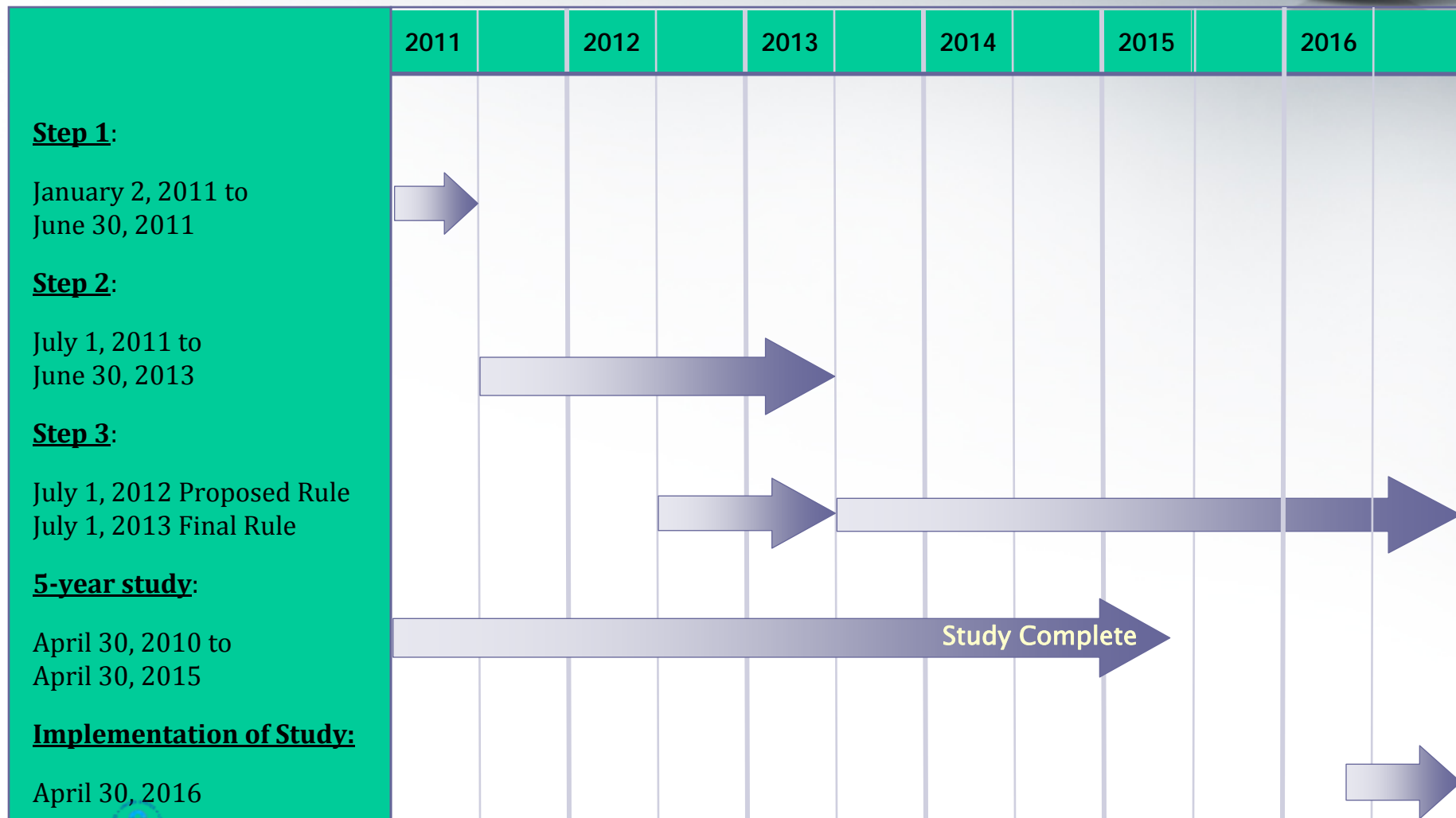
Step 3: By July 1, 2012, rulemaking to consider threshold revisions and the possibility of permanent exclusions

(No source with emissions below 50K will be covered before 2016)





GHG Tailoring Rule



DRAFT - DELIBERATIVE - DO NOT CITE OR QUOTE



GHG Tailoring Rule



Impact on State Programs

- 60 days after rule publication, states submit to EPA letter describing their ability to implement new rule
- Increase in NSR (CAA 105) grant funding, title V fee increases by states, & possible alternatives to \$/ton
- Phased-in approach and regulatory language interpretation option to allow for timely adoption



GHG Tailoring Rule



Impact on State Programs

- BACT Workgroup
- Guidance and training forthcoming



Vehicle GHG and Fuel Economy Rule



Overview

- EPA and NHTSA issued joint rule April 1, 2010 to achieve 250 grams of CO₂/mile & average 35.5 mpg for MY 2012-2016 cars, SUVs, minivans, pickups
- Highly significant: first GHG control regulation
- Reduces GHG emissions by nearly 950 million metric tons over the lifetime of the vehicles



Vehicle GHG and Fuel Economy Rule



Impact on State Programs

- Decreased emissions from mobile sources will provide SIP credits
- Mobile 6 model will be recalibrated to consider the lower emissions



Sequestration Rule



Overview

- EPA proposed federal requirements for CO₂ geologic sequestration on July 25, 2008, under the authority of the SDWA – creates Class VI well
- Applies to owners or operators of wells that will be used to inject CO₂ into the subsurface for the purpose of long-term storage



Sequestration Rule



Overview

- Notice of Data Availability was published in July 2009 to provide additional research & propose a waiver process
- EPA is working on the response to comments and final rule, and developing implementation guidance – anticipate publishing final rule in fall 2010



Sequestration Rule



Carbon Capture and Storage Task Force

- On February 3, 2010, the President established an interagency task force co-chaired by EPA and DOE
- Developing a plan to overcome the barriers to the deployment of carbon capture and storage
- Will address financial, economic, technological, legal, institutional, social, and other barriers



Sequestration Rule



Impact on State Programs

- State regulations will need to be at least as stringent as EPA's
- UIC Class VI primacy delegation – still uncertain if it may be independent of Classes I, III, and V
- Waiver process for certain injection scenarios remains under consideration



GHG Legislative Update



- House passed American Clean Energy and Security Act of 2009
 - EPA provided economic analysis in June 2009
- Kerry-Lieberman proposal
 - EPA is currently conducting economic analysis



Questions and Answers



Juan E. Santiago, Group Leader
Operating Permits Group
Air Quality Policy Division
Office of Air Quality Planning and Standards
Research Triangle Park, NC 27711
(919) 541-1084
santiago.juan@epa.gov



NPDES Pesticides Permit

- Background: Why are we here?
- Current Status: EPA Pesticides General Permit
- NOI – Who files?
- Region 8 activities
- Q & A



Communities

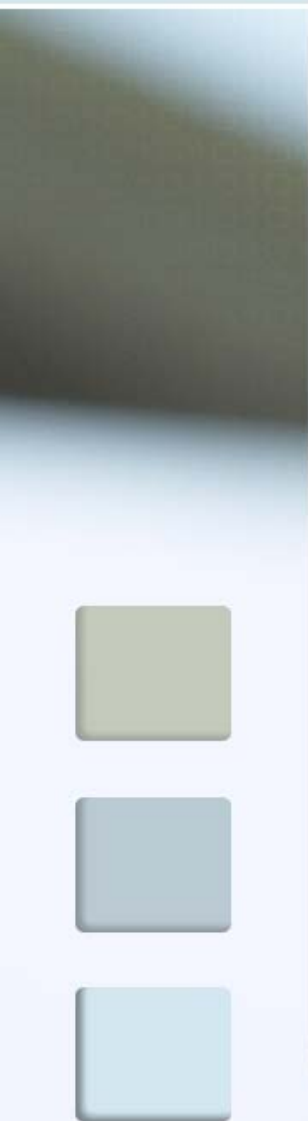
- HUD DOT EPA
- Sustainable Communities



Salt Lake City Project

Children' Environmental Health & Environmental Justice Community Initiative





Region 8 ARRA April 2010 Monthly Report

Outlay Rate and Jobs Reported

Program	(A) Amount Awarded	(B) Total Outlays (thru 5/3/10)*	(B/A) Cumulative %	National Average % Outlays	Reported Jobs (for FY10 Q2)**
Drinking Water SRF	\$134,452,000	\$48,174,781	36%	32%	196
Clean Water SRF	\$126,354,000	\$48,135,102	38%	28%	281
604b	\$1,303,000	\$407,792	31%	N/A (included in CWSRF)	4
Superfund	\$75,810,000	\$14,932,459	20%	30%	36
DERA	\$17,770,597	\$6,237,154	35%	20%	37
LUST	\$9,848,000	\$1,934,744	20%	20%	17
Brownfields	\$5,433,000	\$567,958	10%	10%	4
Totals	\$370,970,597	\$120,389,989	32%	28%	574

* SF contracts outlays through March 26.

**Full Jobs Created number unavailable for Eureka IAG



Water Quality I

- Current Sustainable Infrastructure and Water Conservation Activities
- Green Project Reserve and State Revolving Loan Fund Program
- GPR Waiver Process
- Effluent Guidelines



Water in the West

■ Quantity and Quality



Agriculture – Environment Benefits

Region 8 – Denver

May 26, 2010

Leonard M. Blackham

Commissioner

Utah Dept. of Agriculture & Food
(UDAF)



Importance of Utah Agriculture

- Economic Impact
 - Production Agriculture accountants for 2.1% of the total state output.
 - Production agriculture and its associated processing sectors accounts for 13.9% of total state output.
 - Most Rural Communities are balanced on Agriculture
- Utah Agriculture is 68% Livestock
 - Cattle/Sheep – Public Grazed – ship feeders out of state.
 - Significant Dairy, Turkey, Pork, and Layer Industry
 - Most crop production is Alfalfa Hay, and wheat



UDAF Conservation Efforts (Environmental)

- Salinity Reduction in Colorado River
 - Salt in the Colorado River rather than nutrients is the problem
- Utah Conservation Commission (UCC)
 - AFO/CAFO
 - Invasive Species Rehab Program
 - Air Quality Issues
 - Partnership with the Utah Partners for Conservation and Development (Includes Utah DEQ with 319 funds)
- Utah Grazing Improvement Program (UGIP)
 - Rangeland Improvement Projects
 - Improved Management
 - Federal and State Land Policy



Past Agriculture Environmental Focus

- Animal Feeding Operations
 - All AFOs have been inventoried (3,000)
 - 94% successful in a voluntary program
 - Partnership of all Ag Groups and State Depts.
- Pesticide and fertilizers
 - Trained the pesticide applicators
 - Tested the ground water
 - Tested over 2500 wells on a rotation basis for 12yrs. - Zero pesticide problems
 - Nutrients – Few Geological Nitrogen Related and only a couple of surface contamination due to Well Construction Failure.



Animal Feeding Operations Utah

- Phase II
 - Currently developing rules
 - Reviewing all AFOs again
 - Most CAFOs will not need a permit – Can not impact the Waters of United States or any other body of water. Most CAFOs are more than ½ mile from any water.
 - Non permitted units will still be part of a good environmental stewardship program.



Thistle Creek Restoration

- EPA Section 319 project
 - Six land owners
 - Three AFOs
- Stream bank restoration and erosion control
 - Reduction of 213 tons of sediment per year
- Animal Feeding Operations
 - Reduction of 1,078 lbs N, 517 lbs P, and 4,135 lbs BOD per year



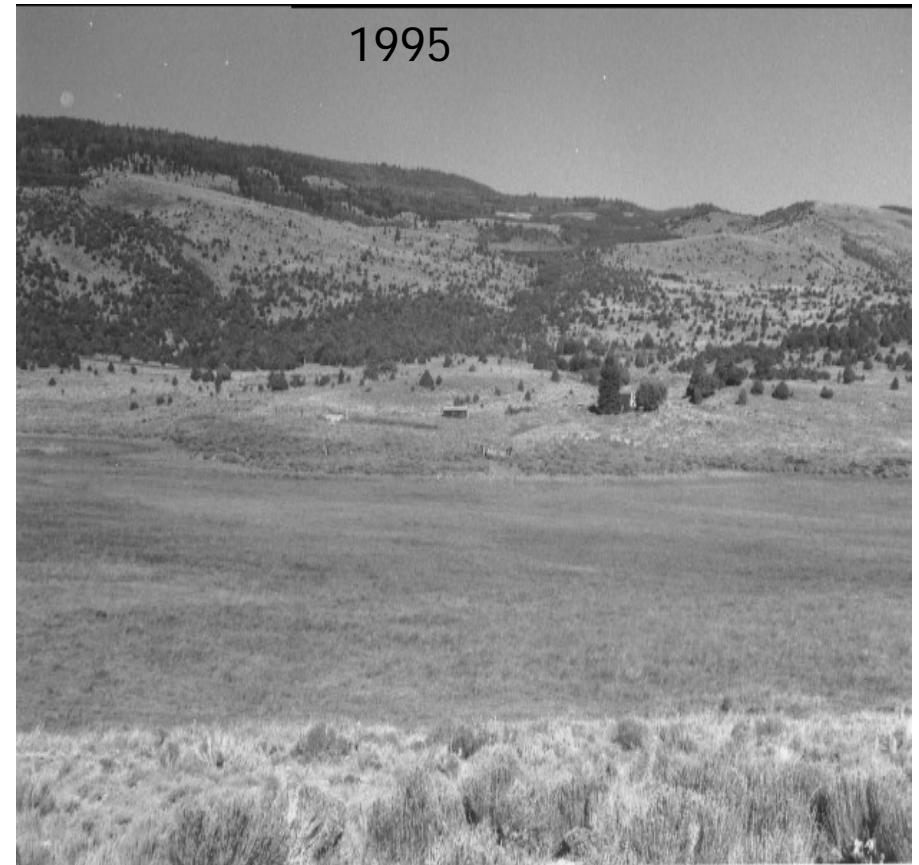
Rangeland Health

Managed Livestock Grazing

“The Under-Rated Tool”



Pinion/Juniper over-dominance



LOCATION: Paradise Valley, Utah. Fishlake N. F., Elevation. 7,550 ft.; Juniper has increased markedly on the distant hillside. Aspen has declined as conifers have both grown and thickened.



Rangeland Health

Today's Results

- Increased Catastrophic Fires
- Reduced Water Quantity and Quality
- Reduced Plant Diversity – Essential for abundant Wildlife and Livestock production
 - Caused by over abundance of P-J, evergreens and monocultures of cheatgrass.



UDAF Focus

- Range Improvement Projects
 - Large scale landscapes (100,000+ acres)
- Improved Grazing Management
 - Financial ability of rancher
 - Flexibility of Federal Policy



Grazing Improvement Program (GIP)

Technical Committee

Key Principles of Grazing Management

Most rangeland isn't overstocked, but grazing is often under-managed.

- Grazing impacts are managed by controlling the time (duration), timing (season), frequency, and intensity of grazing.
- Managing plant succession through grazing, mechanical, fire, chemical, and other means can enhance diversity and production (diversity = sustainability).
- You can't manage what you can't measure (adaptive-management).



It's about Management

- Healthy watersheds are the common denominator for clean abundant water, diversity and abundance of wildlife and sustainable grazing opportunity for livestock.
- Well managed livestock grazing is the most effective ***landscape scale tool*** to maintain and improve watershed health including wildlife habitat and forage production for livestock



Deseret Land and Livestock

(Northern Utah Private Ranch)

- Transformation from Failure to Success
 - All three principles of Healthy Ranges have been applied
 - Livestock grazing practices – Time Controlled Grazing
 - Range improvement projects – Diversity/Vitality
 - Flexibility in ranch management
- 205,000 Private Acres of “Sustainable” Ecosystem (+15,000 of federal lands)



DLL Stocking Rate Change 1983 to 2001

Species	1983	2001
Mother Cows	2,600	5,500
Yearling Cattle	3,000	4,000
Elk	1,500	2,400
Mule Deer	4,500*	3,500
Antelope	0	600
Moose	50	200
Bird Species	?	260
Sage Grouse	120	600



Public Land Management

Rich County Allotment
Consolidation Project
(29 Ranchers)



Rich County Project

- 29 ranchers working together
- 136,000 acres of rangeland (BLM, USFS, State, & Private)
- 3,200 cattle
- 4,000 sheep
- Time-controlled grazing



Benefits of Rich Co. Project

- Big Creek – Removal from the 303D list
 - Will become a blue-ribbon fishery
- Improved recreational opportunities
- Improved water/wildlife quality & quantity
 - (especially sage grouse)
- Reduced fire hazard
- Improved range health for sustainable livestock production (FOOD)



Utah Clean Water and Air

- Healthy Rangeland will result in clean water and improved air quality (including public lands that total 70% in Utah).
 - Large scale landscape must be addressed
 - Ranchers are a key element in Healthy Lands
 - Financial investment and improved management are required to restore Land Health



***If people are to work for Conservation—
Conservation must work for people.***



Water Quality II

- Excess Nutrients in Water
- TMDLs



SPCC

- Background
- What is SPCC?
- What is considered a farm under SPCC?
- If a farm is covered by SPCC what is required?
- When should a Plan be prepared and implemented?
- What compliance assistance is being offered to the regulated farming community?

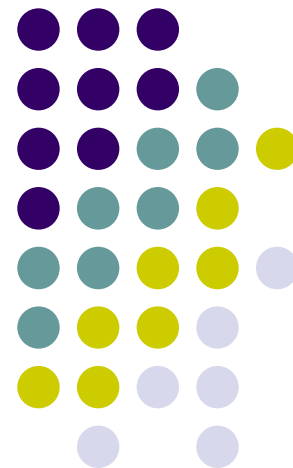


Clean Water Act Action Plan

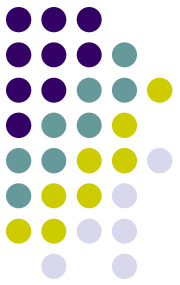
Overview

*Presentation by: Mike Gaydosh
Assistant Regional Administrator
ECEJ*

*Region 8 State Directors Meeting
May 26, 2010*



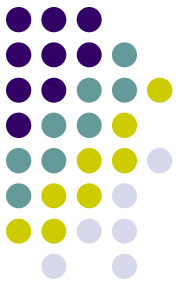
CWA Action Plan Overview



- Three key improvements needed:
 - Target enforcement to the most important water pollution problems
 - Reset relationships with the states and strengthen oversight of the state programs
 - Improve transparency and accountability



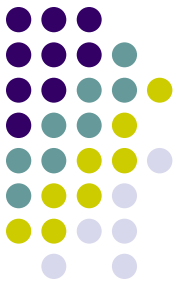
CWA Action Plan Implementation Teams



- NPDES Data Analysis
- New Approach
- Short Term Oversight
- Public Access
- Electronic Reporting
- Citizen Suit

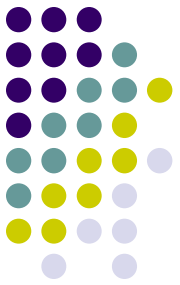


New Approach Straw Proposals



1. Short-Term SNC Fixes for Reporting and Other
2. Transparency and Accountability
3. New Approach to Addressing DMR Violations
4. Expedited Enforcement Options
5. Municipal Enforcement
6. Expand Self-Certification and Electronic Reporting
7. EMS Revisions
8. Watershed Approaches
9. General Permits
10. Work Share Approaches
11. Compliance Assistance
12. Four Tier Approach





Next Steps for Region 8

- FY11 PPA negotiations
- Development of collaborative work plans
- Regular meetings to track progress
- Continued work to improve the SRF process and integrate state permitting and enforcement program reviews
- Continued focus on database integrity



EPA National Enforcement Goals

Mike Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance and Environmental Justice
U.S. EPA Region 8

May 26-27, 2010





EPA Enforcement Goals FY2011-13

Aggressively go after pollution problems that make
a difference in communities

Vigorous civil and criminal enforcement

Advance environmental justice

Clean Water

Clean Air

Climate and Clean Energy

Protect People from Exposure to Hazardous Chemicals



EPA Enforcement Goals FY2011-13

■ Reset EPA Relationship with the States

- Shared accountability

- Strengthened oversight

- Establish new model, starting with water



EPA Enforcement Goals FY2011-13

■ Improve Transparency

- ☐ Compliance information available online
- ☐ Public information on state and federal performance
- ☐ Promote better federal environmental decisions and public engagement through NEPA



EPA National Enforcement Goals

For more information on EPA's FY2011-13 National Enforcement Goals, please visit:

<http://www.epa.gov/oecaerth/data/planning/initiatives/goals.html>





EPA National Enforcement Initiatives

Mike Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance and Environmental Justice
U.S. EPA Region 8

May 26-27, 2010



FY2011-13 EPA National Enforcement Initiatives

- Municipal Waste Water Infrastructure
- CAFOs
- Air Toxics
- New Source Review
- Mineral Processing
- Energy Extraction



Energy Extraction Initiative

- Significant and new emerging water and air problems
- Unprecedented exponential natural gas expansion
- Anticipating unprecedented ozone exceedances
- Emerging issues in rural communities and population centers
- Timing is key



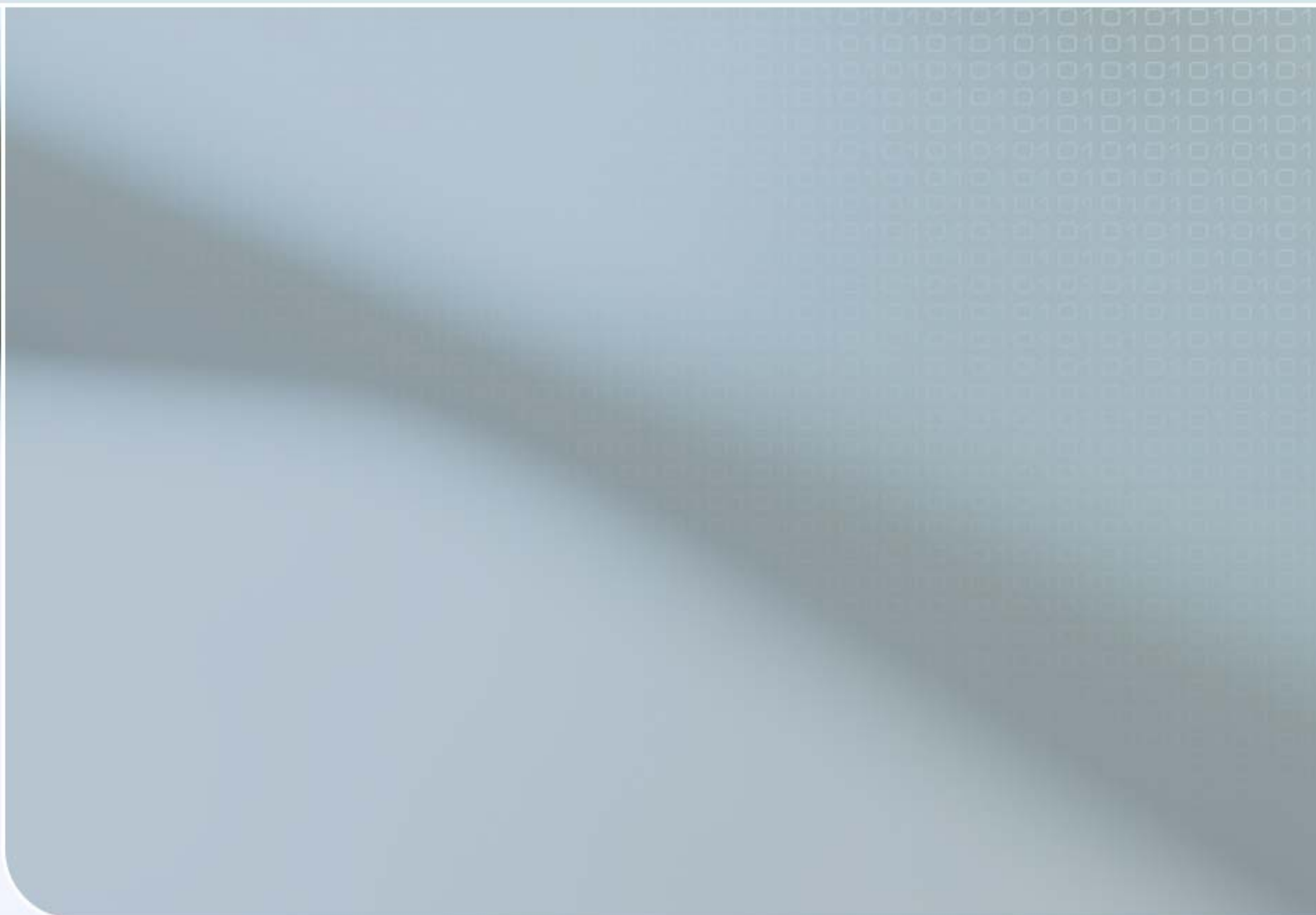


EPA National Enforcement Initiatives

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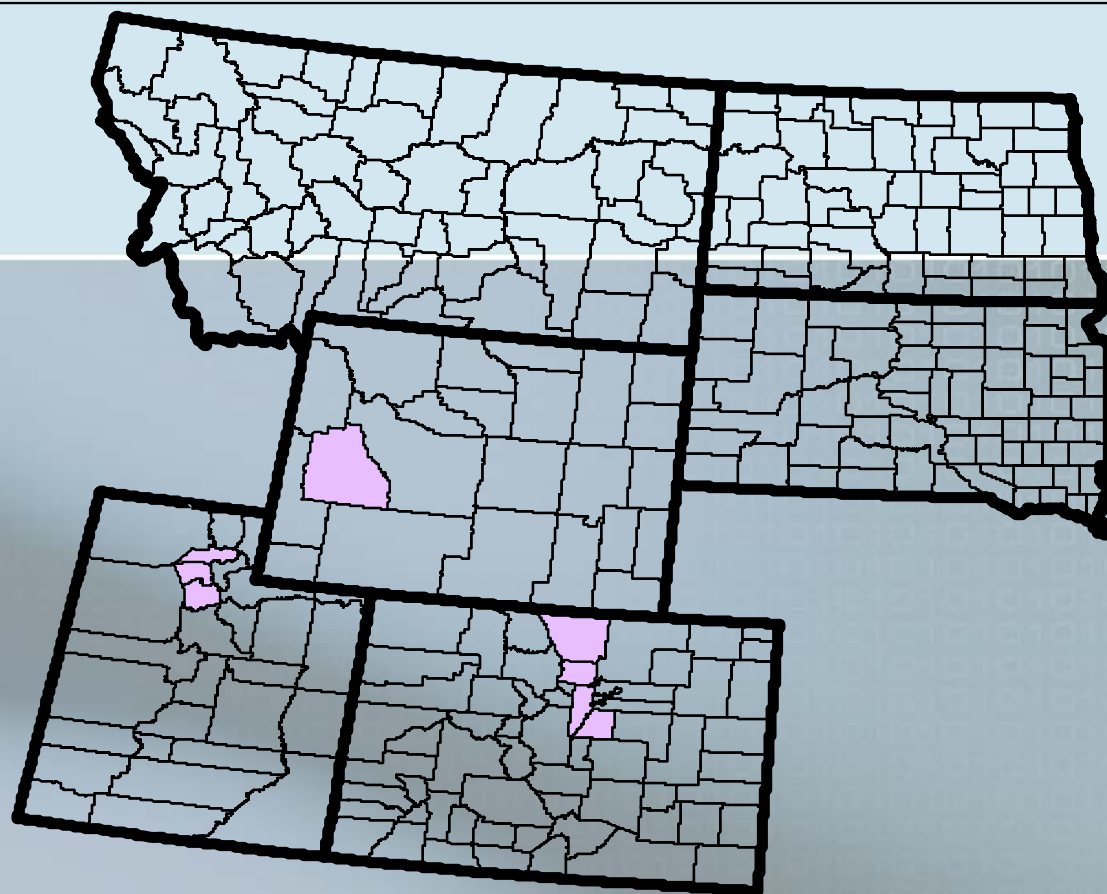




Rural Ozone

- Goal - Where local area strategies are not enough for areas to come into attainment, discuss what States could do to influence “regional” reduction strategies
- Set Stage – What would the attainment status be for our States under 3 new ozone standard scenarios
- Western ozone background concentrations
- Discussion – J. Corra lead





Region 8 Counties with Ozone Above 0.075 ppm

2007-2009 Data






Current NAAQS: 0.075 ppm

January 2010 Proposed NAAQS:

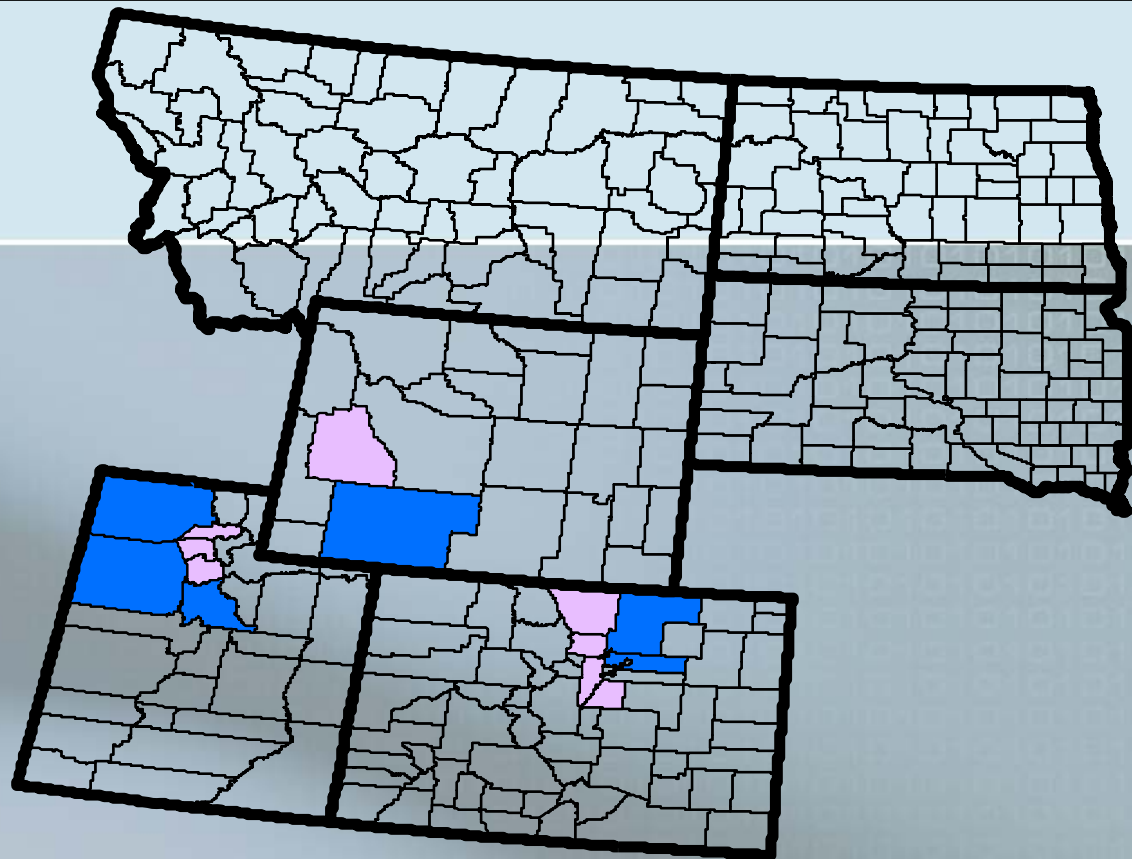
0.060 to 0.070 ppm

Legend

COUNTIES

-  No Data or < 0.060 ppm
-  0.061 to 0.064 ppm
-  0.065 to 0.069 ppm
-  0.070 to 0.074 ppm
-  0.075 ppm or greater





Region 8 Counties with Ozone Above 0.070 ppm






2007-2009 Data

Current NAAQS: 0.075 ppm

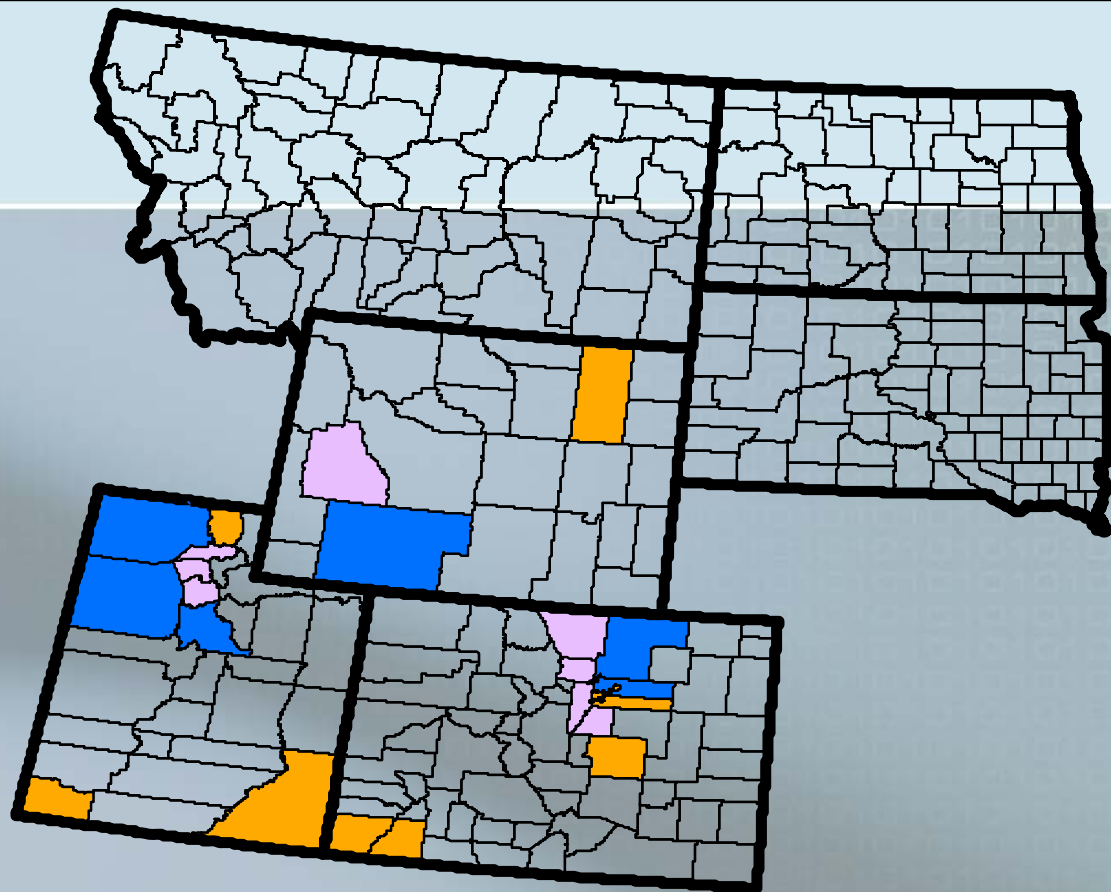
January 2010 Proposed NAAQS:
0.060 to 0.070 ppm

Legend

COUNTIES

	No Data or < 0.060 ppm
	0.061 to 0.064 ppm
	0.065 to 0.069 ppm
	0.070 to 0.074 ppm
	0.075 ppm or greater





Region 8 Counties with Ozone Above 0.065 ppm

2007-2009 Data






Current NAAQS: 0.075 ppm

January 2010 Proposed NAAQS:

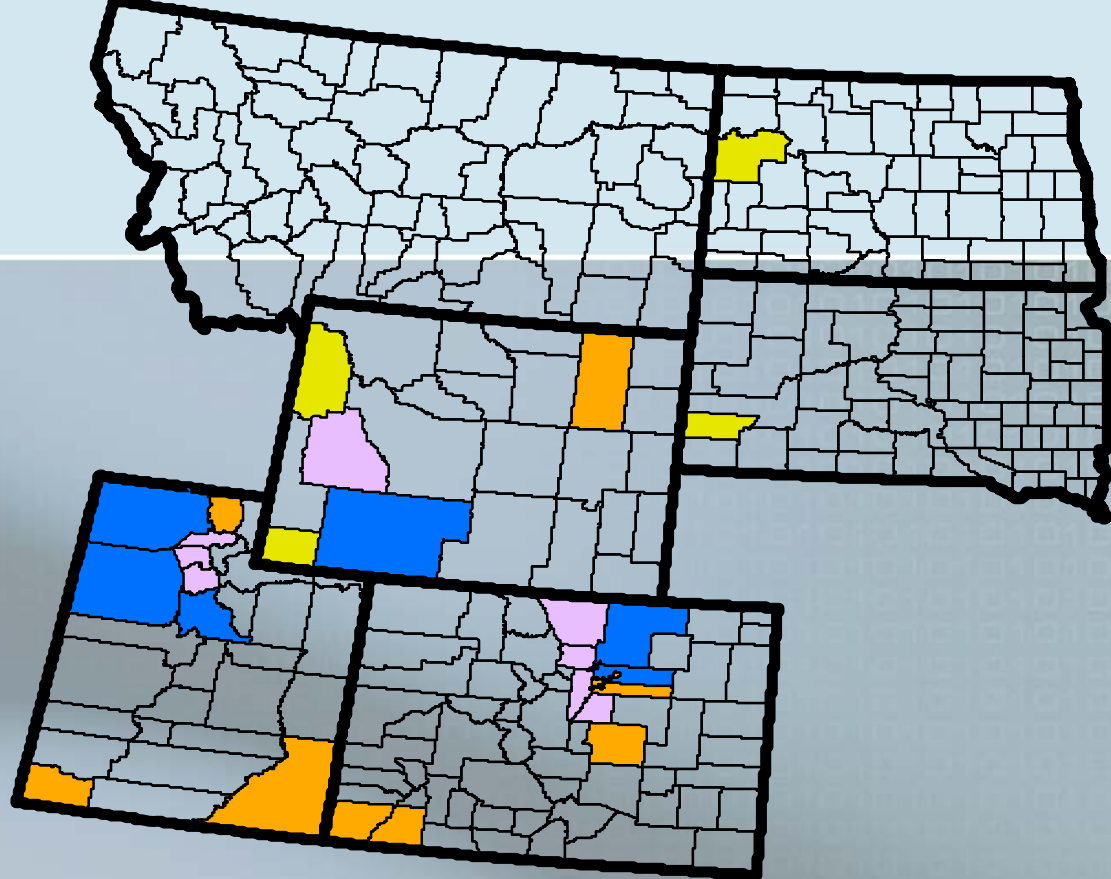
0.060 to 0.070 ppm

Legend

COUNTIES

-  No Data or < 0.060 ppm
-  0.061 to 0.064 ppm
-  0.065 to 0.069 ppm
-  0.070 to 0.074 ppm
-  0.075 ppm or greater





Region 8 Counties with Ozone Above 0.060 ppm

2007-2009 Data






Current NAAQS: 0.075 ppm

January 2010 Proposed NAAQS:

0.060 to 0.070 ppm

Legend

COUNTIES

-  No Data or < 0.060 ppm
-  0.061 to 0.064 ppm
-  0.065 to 0.069 ppm
-  0.070 to 0.074 ppm
-  0.075 ppm or greater



Western Ozone Background Concentrations

EPA Defined “Policy Relevant Background” for Ozone is Approx. 40 ppb*

Region 8 Rural Background Ozone Monitors:

4th Maximum 8-hour avg., ppb

Year	Glacier (MT)	Yellowstone (WY)	Gothic (CO)	Canyon lands (UT)	Great Basin (NV)
2006	59	69	70	70	72
2007	54	65	63	72	75
2008	57	65	71	71	71
2009	55	63	Not Available	68	69



* EPA Staff Paper for the Ozone NAAQS Review: EPA-452/R-07-007, July 2007, p. 2-48

Regional Haze

Regional Haze SIP Status

- Section 308 Regional Haze SIPs were due 12/17/07
- 1/15/09 - 37 states received findings of failure to submit their SIPs
- 1/15/11 - deadline to have SIPs/FIPs in place
- Early 5/10: For the Western Regions, since the Findings, 7 final SIPs have been submitted (CA, KS, ND, NV, OK, OR, TX)
- Most remaining SIPs are expected in mid to late 2010

309 SIPs - Backstop Trading Program for SO₂

- Four states (AZ, NM, UT, and WY) opted to submit 309 SIPs
- UT and WY submitted 309 SIPs in late 2008
- 309g SIPs required for NO_x, PM, and long term strategy (UT submitted, awaiting WY)



Regional Haze (cont.)

WildEarth Guardians' (WEG) Lawsuit

- EPA was sued on 6/2/09 for failure to act on SIPs or FIPs to satisfy Interstate Transport for the 1997 8-hour ozone and PM2.5 NAAQS
- Seven western states were named in the lawsuit: CO, ND, NM, OK, CA, ID, and OR
- Under consent decree, final visibility related prong SIPs/FIPs are required to be in place by 5/10/11



Tri- State Study Pilot Project

- Comprehensive cumulative effects air quality analyses in the Tri-State area would establish a credible baseline for future air quality estimates and serve as the basis for State planning efforts and FLM NEPA analyses
- Over the course of the 3 years, 13 new monitoring sites are being added; BLM, WY DEQ, EPA, USFS will provide varying levels of funding. Total 3-year funding: \$2.87M total. CO, UT, and WY providing additional staff support for monitoring efforts.
- Data Warehouse (Scoping/Design and Operation)
- Modeling Center
- MOA Under Development



Energy Round Table

■ Discussion



EPA Administrator Priorities

1. Taking Action on Climate Change
2. Improving Air Quality
3. Assuring the Safety of Chemicals
4. Cleaning Up Our Communities
5. Protecting America's Waters
6. Expanding the Conversation on Environmentalism and Working for Environmental Justice
7. Building Strong State and Tribal Partnerships

EPA Regional 8 Priorities

- The following priorities (A-G) were discussed and adopted at the 2009 State Directors Meeting:
- A. Building Partnerships With the Agriculture Community
- B. Improving Air Quality
- C. Addressing Climate Change
- D. Energy
- E. All Hazards Response
- F. Building State and Tribal Capacity
- G. Direct Implementation
- These additional priorities were added by the R8 SLT:
- H. Sustainable and Healthy Communities
- I. Stronger EPA
- J. American Reinvestment and Recovery Act (ARRA)
- K. Restoring Imperiled Waters

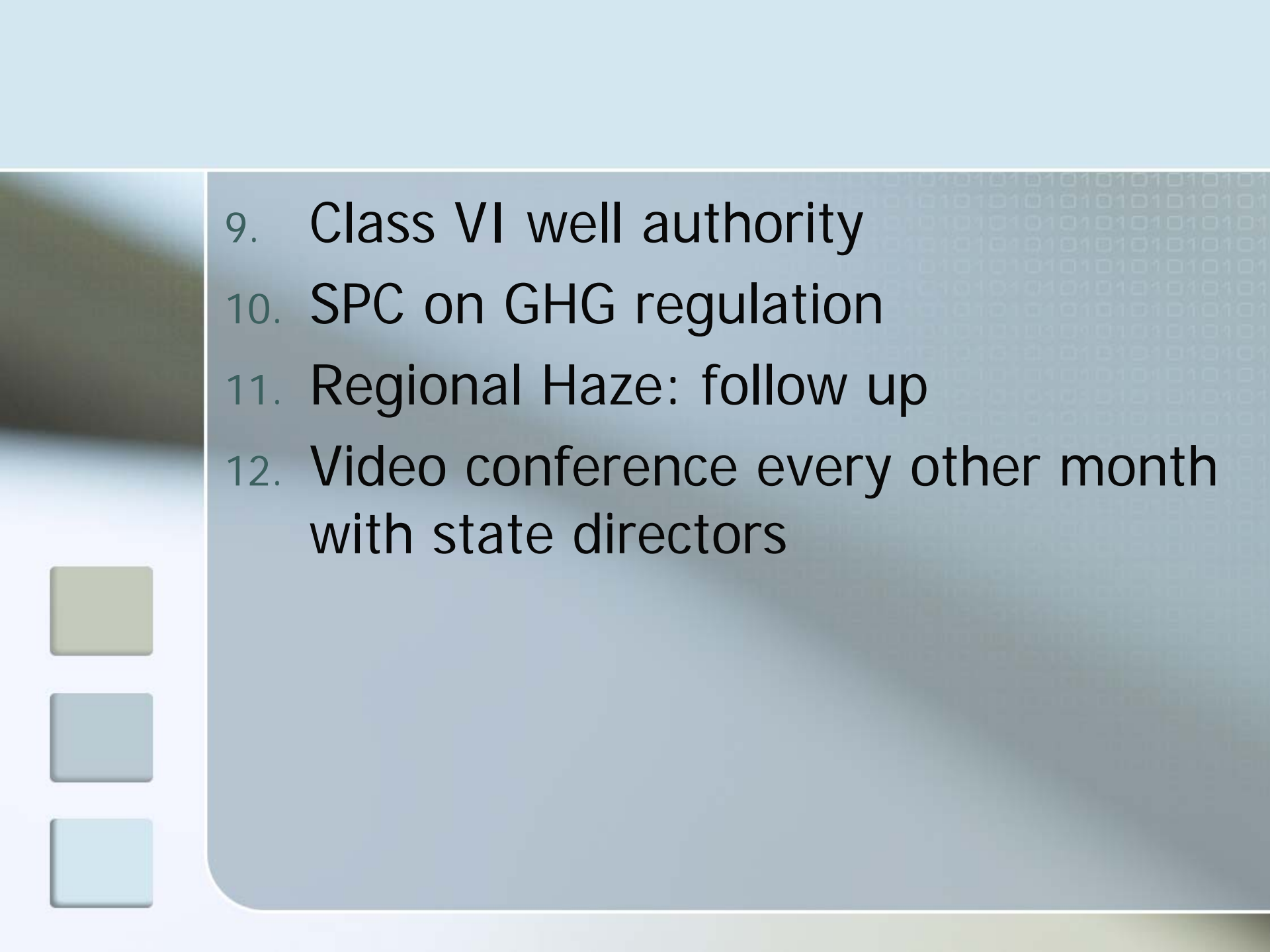

Summary and Review of Action Items

1. Provide Updates on GHG regulatory actions
2. Provide updates on the status of AG offsets under national legislation
3. Work with states to become Water Sense partners to conserve water resources
4. Work with EPA HQ to allow more flexibility under the green reserve & provide updates to states on the status of this effort
5. Provide John Corra presentation to the State Directors
6. Provide Leonard's presentation to State Directors
7. Follow with invitation from Jim Lochhead to work with Denver Water
8. Will work with states to develop a proposal for presentation to HQ on a way to address rural Ozone issues

2010 State Directors Action Items

"continued"

9. Temporary Permit for Innovative Technology, e.g., Manure Burner
10. EPA will find out about a developing program to deal with surface mining and get information out to the state
11. Talk with EPA's CAAAC about expanding representation on the BACT workgroup to include states in the intermountain west and AG, and to consider offsets for CO2 geologic sequestration & enhanced oil & gas recovery
12. Lean Process Improvement (e.g., Kaizen)
 - Enter a process w/EPA to address SIP
13. SPC on GHG regulation

- 
- 
9. Class VI well authority
 10. SPC on GHG regulation
 11. Regional Haze: follow up
 12. Video conference every other month with state directors

An aerial photograph of a river winding through a dry, brown landscape. The river is a vibrant blue, contrasting sharply with the surrounding arid terrain. In the background, a range of mountains is visible under a clear blue sky. The overall scene depicts a natural, possibly high-altitude, environment.

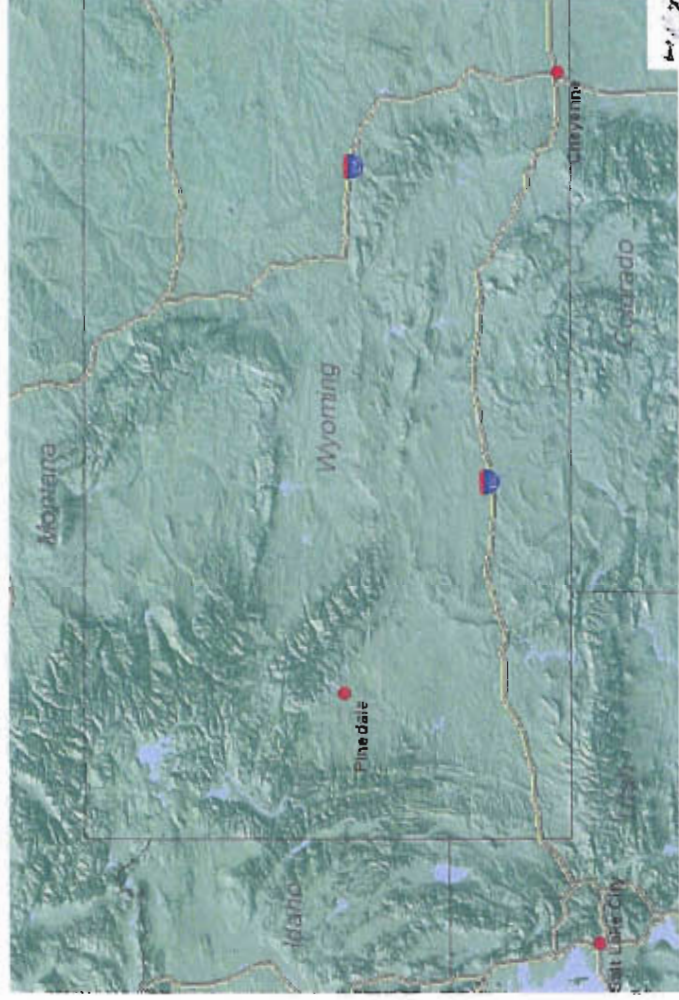
Ozone Events in the Upper Green River Basin of Western Wyoming

John Corra, Director

Cara Keslar, Monitoring Supervisor

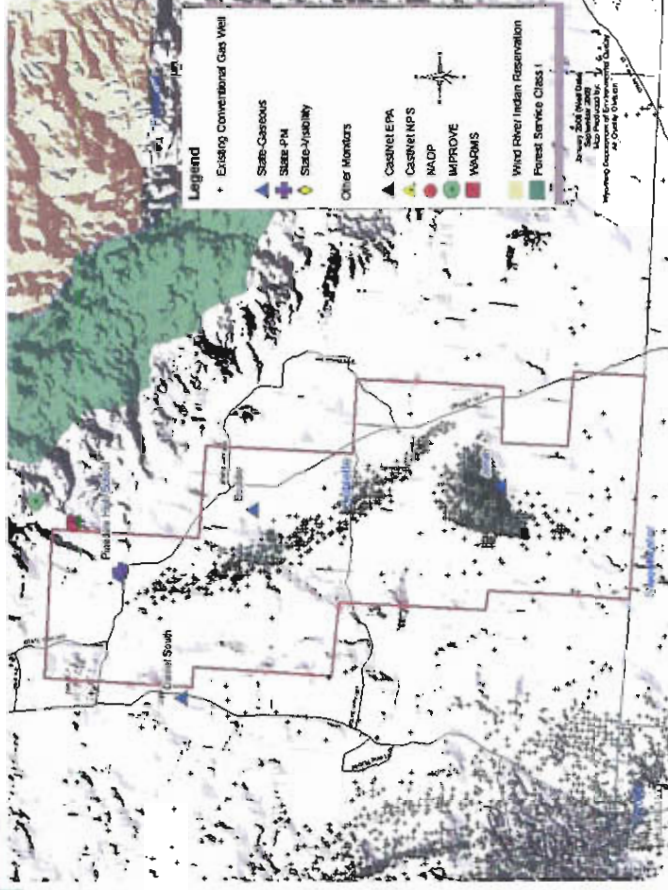
Wyoming Department of Environmental Quality

February 23, 2010



- Upper Green River Basin in Western Wyoming

- Area of oil & gas development with primarily minor sources and low population.



Discovery of Winter Ozone

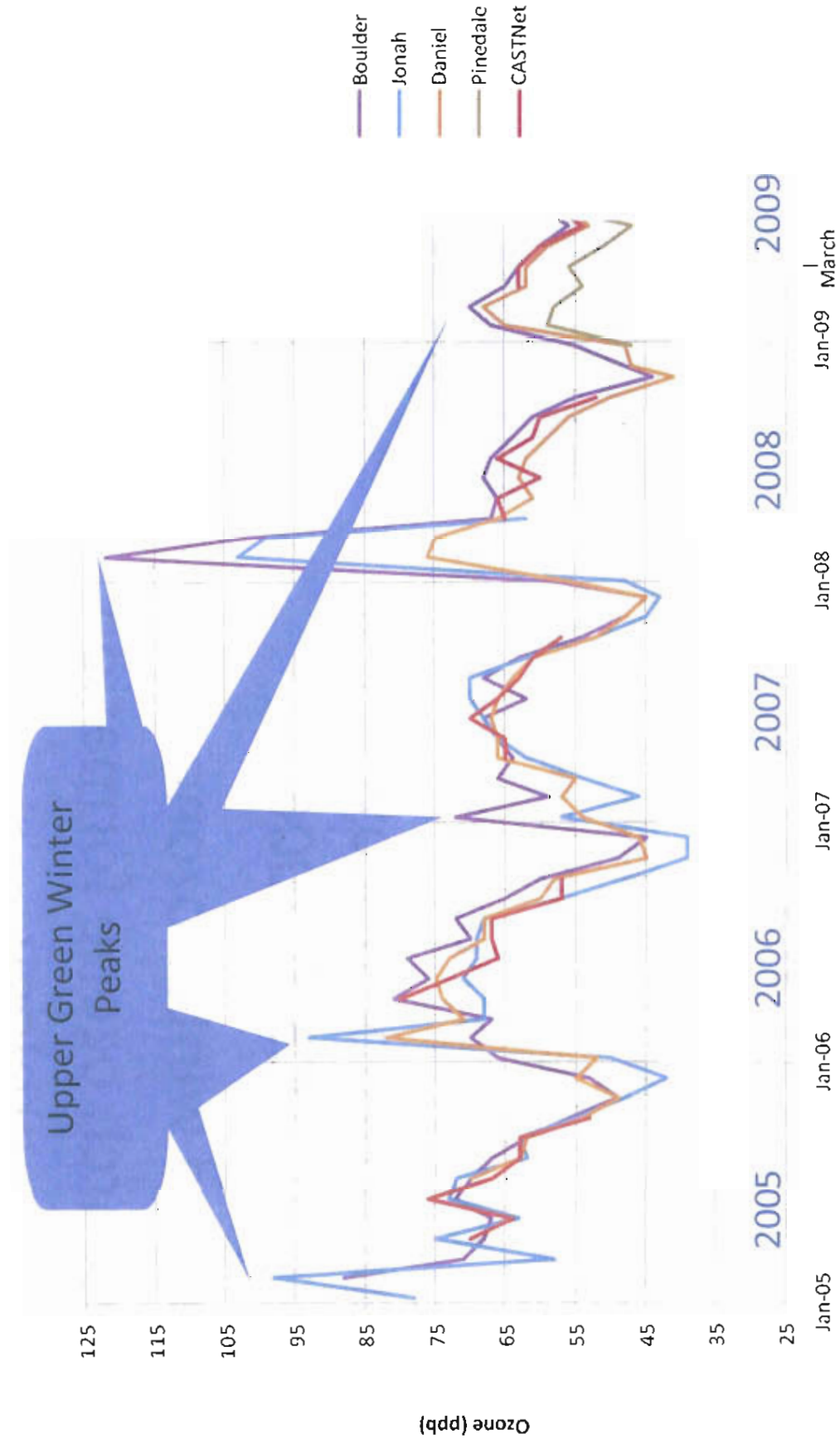
- Concerns about impacts from rapid oil & gas development led to new monitoring stations
- Elevated ozone discovered in February 2005 & 2006
- Launched winter ozone study to research ozone formation and meteorology



Jonah 2/27/06

8-hour max 93 ppb

Monitored Ozone: Monthly Max 8-Hour Avg.



Winter Ozone Study Team

- WY Department of Environmental Quality
 - Cara Kesar: funding, management
 - Jennifer Frazier: field support, permits
- ENVIRON International Corp. – Prime Contractor
 - Till Stoeckenius, Project Manager
 - Team management, study design, data analysis and reporting

• T&B Systems

- Bob Baxter, Dave Bush, Dave Yoho, Liz Niccum, Don Lehman
- Study design, measurements, data validation, reduction and analysis

• MSI

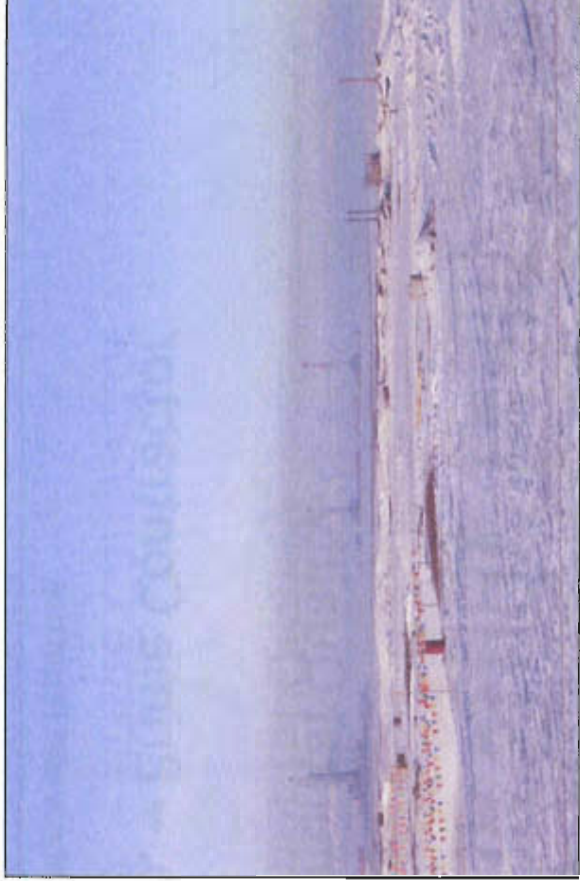
- Bill Hauze, Dan Risch, Leona Blackbird
- Study design, measurements, data validation, reduction and analysis

• Additional Participants

- Environmental Analytical Services (2007, 2008, 2009)
 - Steve Hoyt: Laboratory analysis of voc canisters and carbonyl cartridges
- Univ. of California, Riverside (2009)
 - Dennis Filtz, Kurt Bumiller: NOy, PAN and NO2 photolysis measurements
- Jim McLellan: Pilot (2007 and 2008)
- STI: RWP/RASS/SODAR (2007)
 - Charley Knoderer, Clinton MacDonald

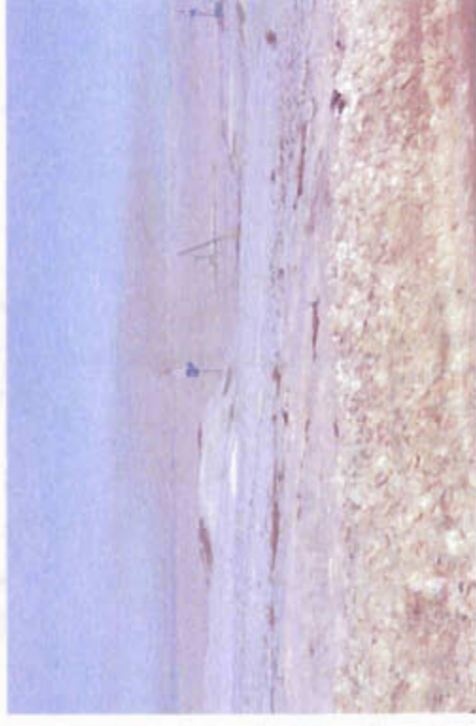
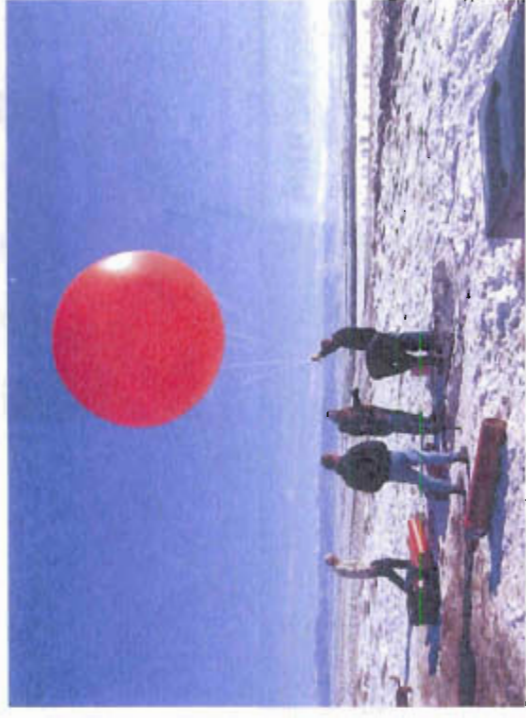
Unique Features of SW WY Ozone Episodes

- Winter events
 - Low sun angle
 - Cold temperatures
- Rural location
- Significant oil & gas development



Field Study Objectives

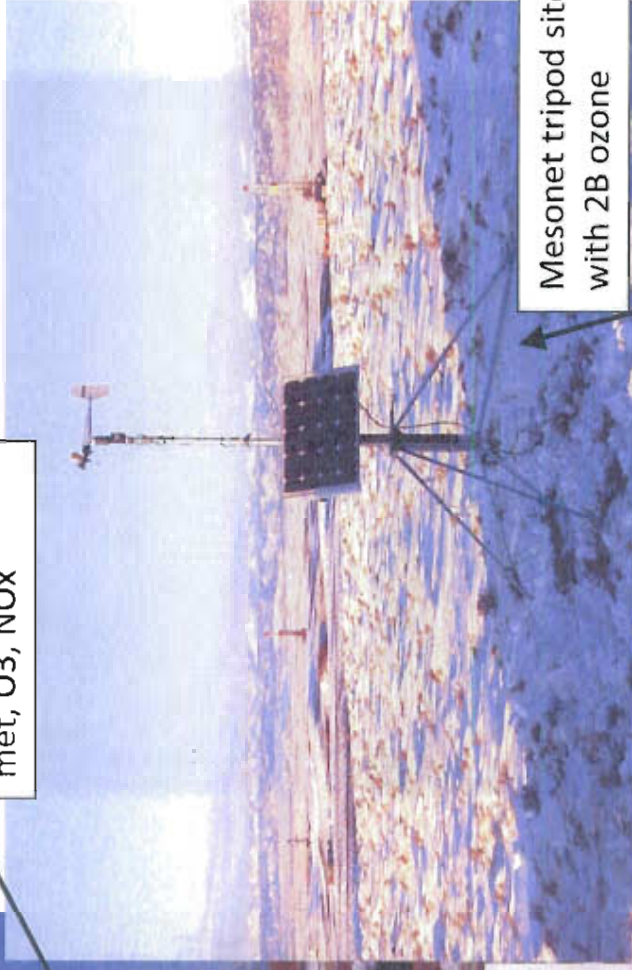
- Characterize meteorological conditions during ozone episodes
- Determine horizontal and vertical extent of high ozone concentrations
- Measure UV radiation
- Characterize ozone precursor (VOC & NO_x) concentrations
- Provide data for modeling



UGWOS Measurements



MiniSODAR with
met, O₃, NO_x



Mesonet tripod site
with 2B ozone

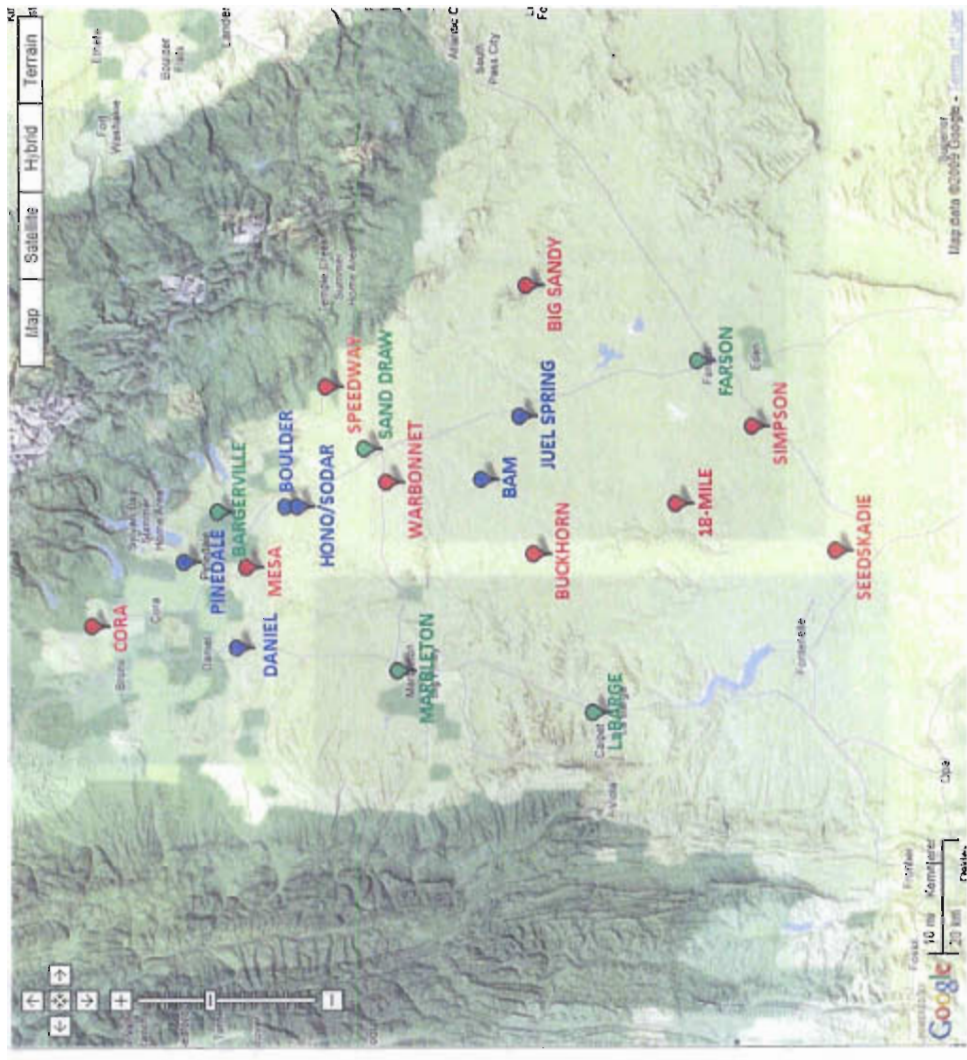


Boulder I & II:
O₃, NO_x, PM, CO,
SO₂, UV, met, HONO

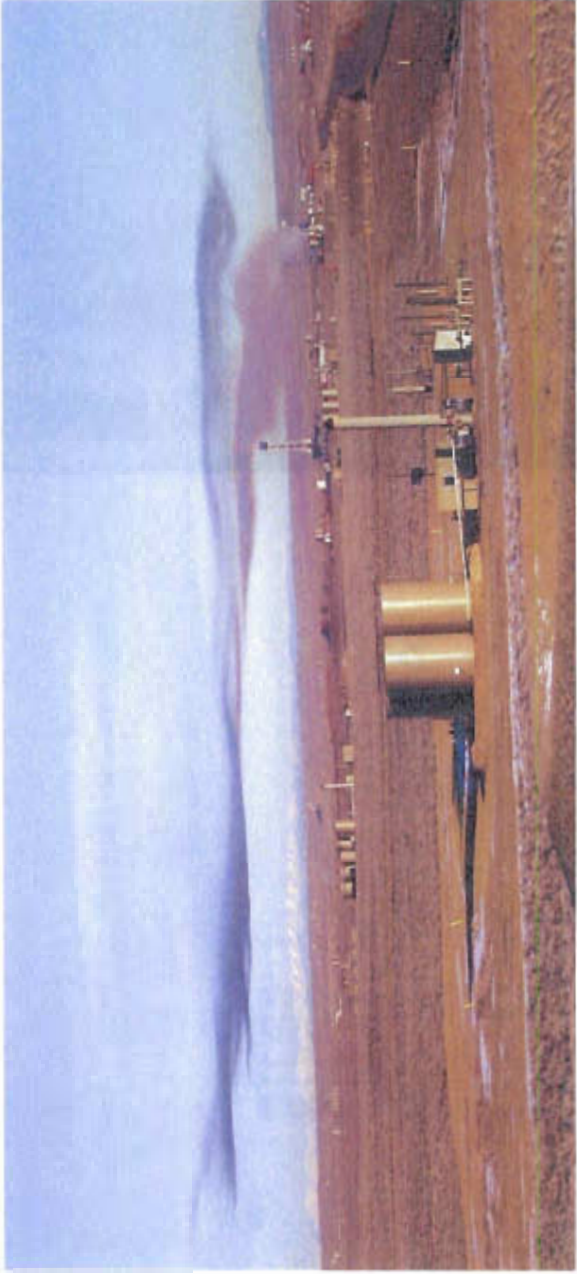


UGWOS '10 Monitoring Sites

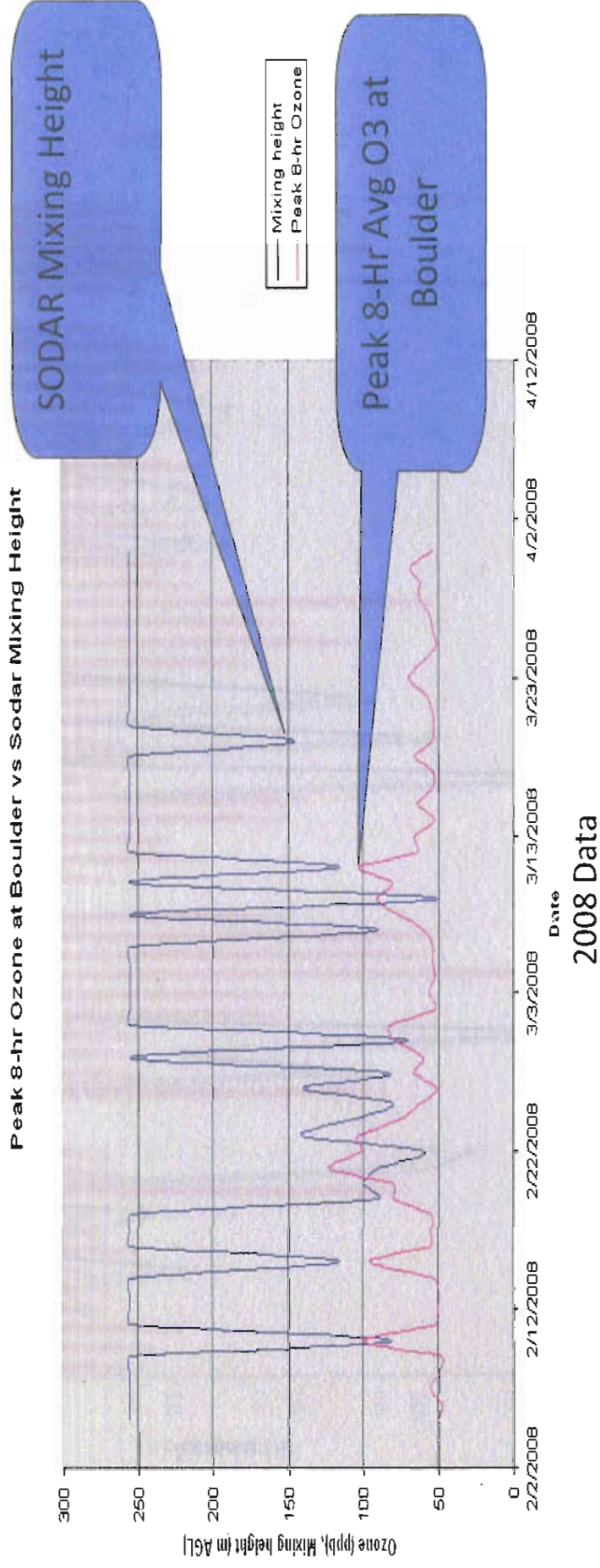
- Mesonet Sites
- Permanent Sites (except BAM & HONO)
- Air Toxics Study Sites



Key Points



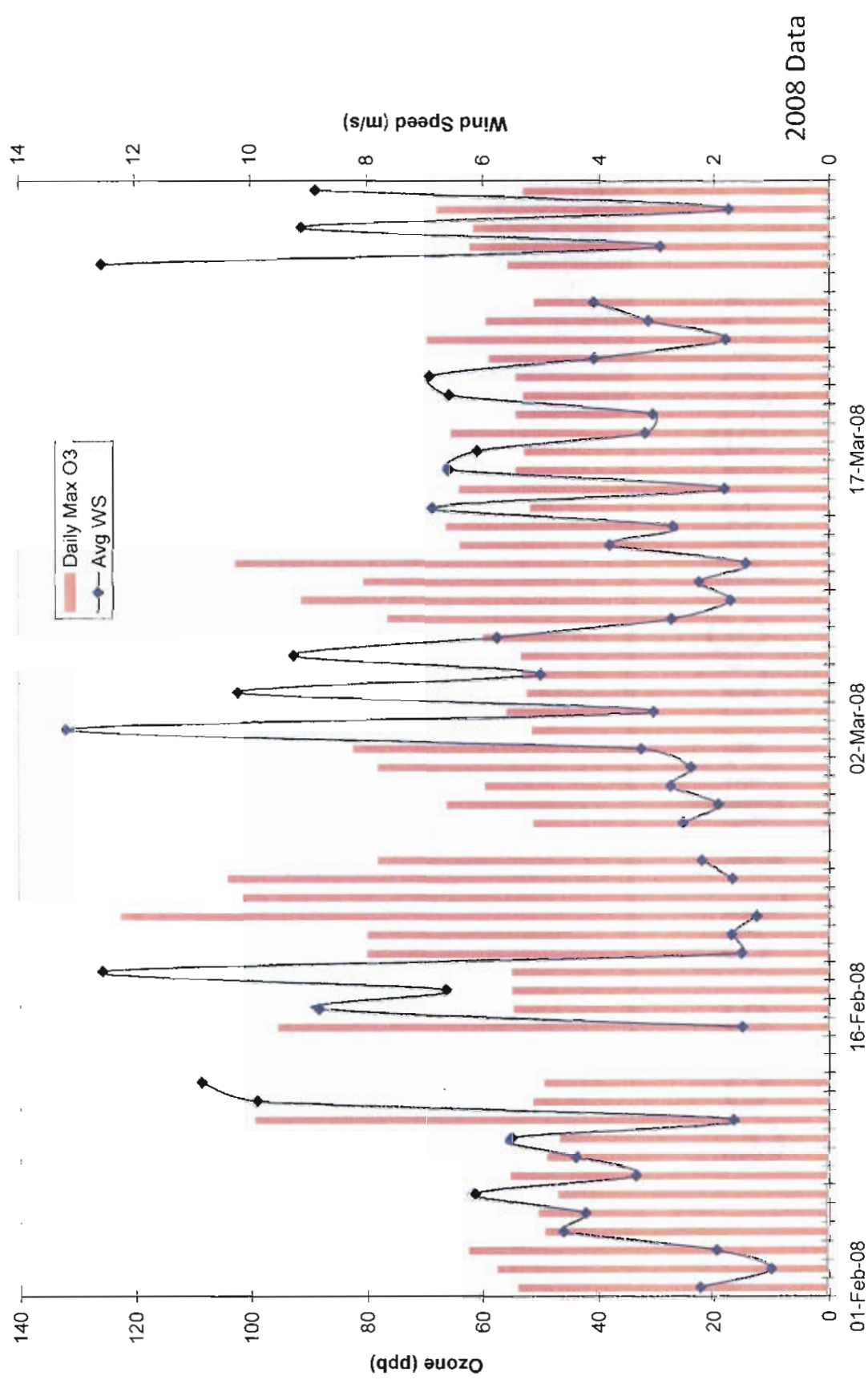
Role of Mixing Heights



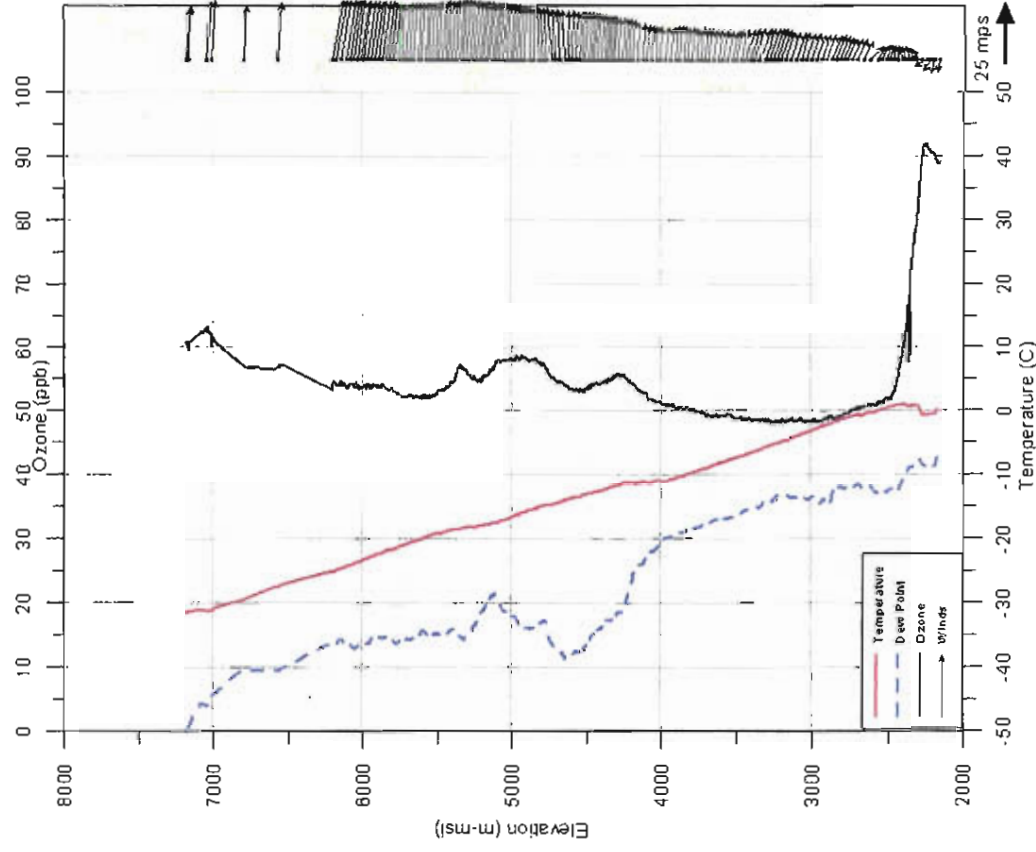
- Elevated O3 when MH < 150 m agl
- Note SODAR max range = 250 m agl

Low wind speed inhibits mixing

Boulder wind speed vs. ozone

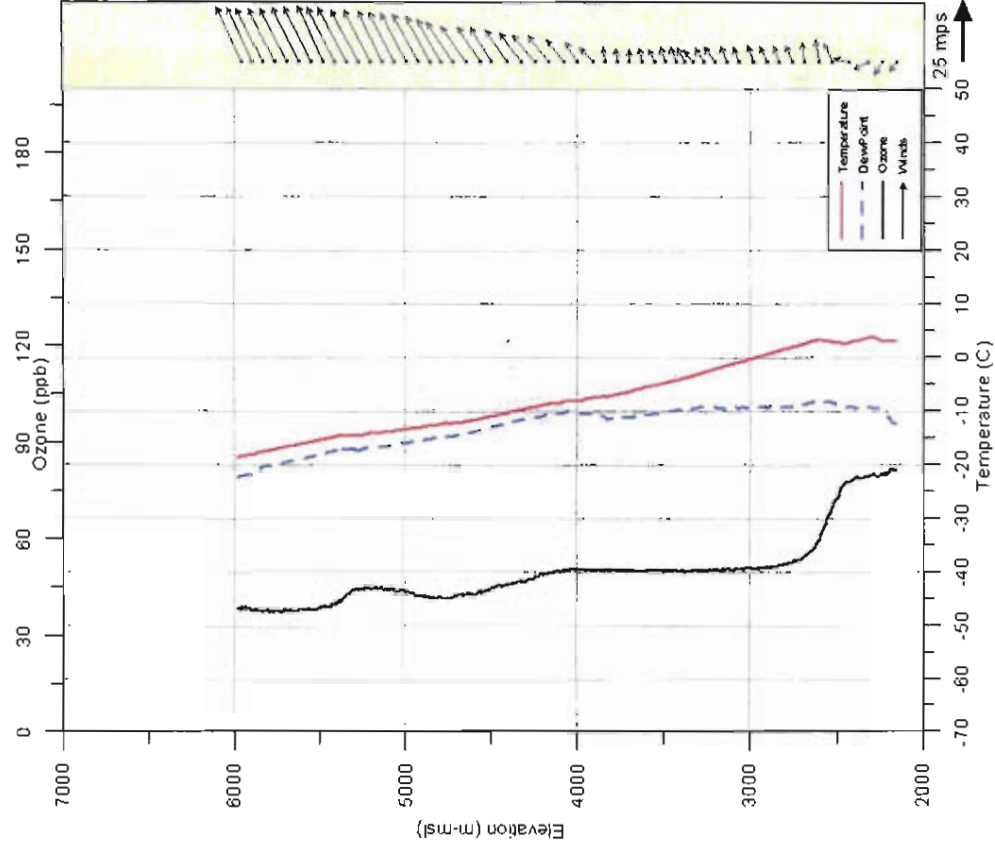


Vertical ozone profiles show uniform ozone above the inversion layer



Wenz Field - March 11, 2008 at 17 MST

2008

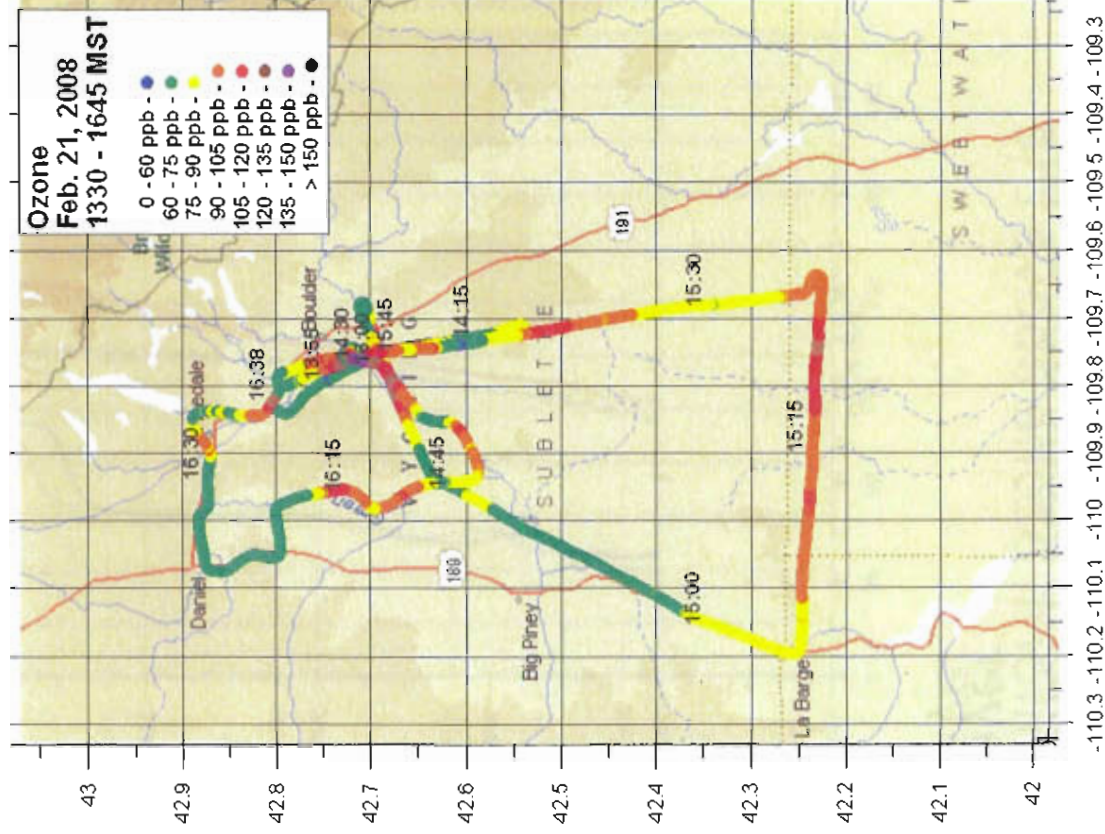


Wenz Field, Wyoming March 2, 2009 18 MST

2009

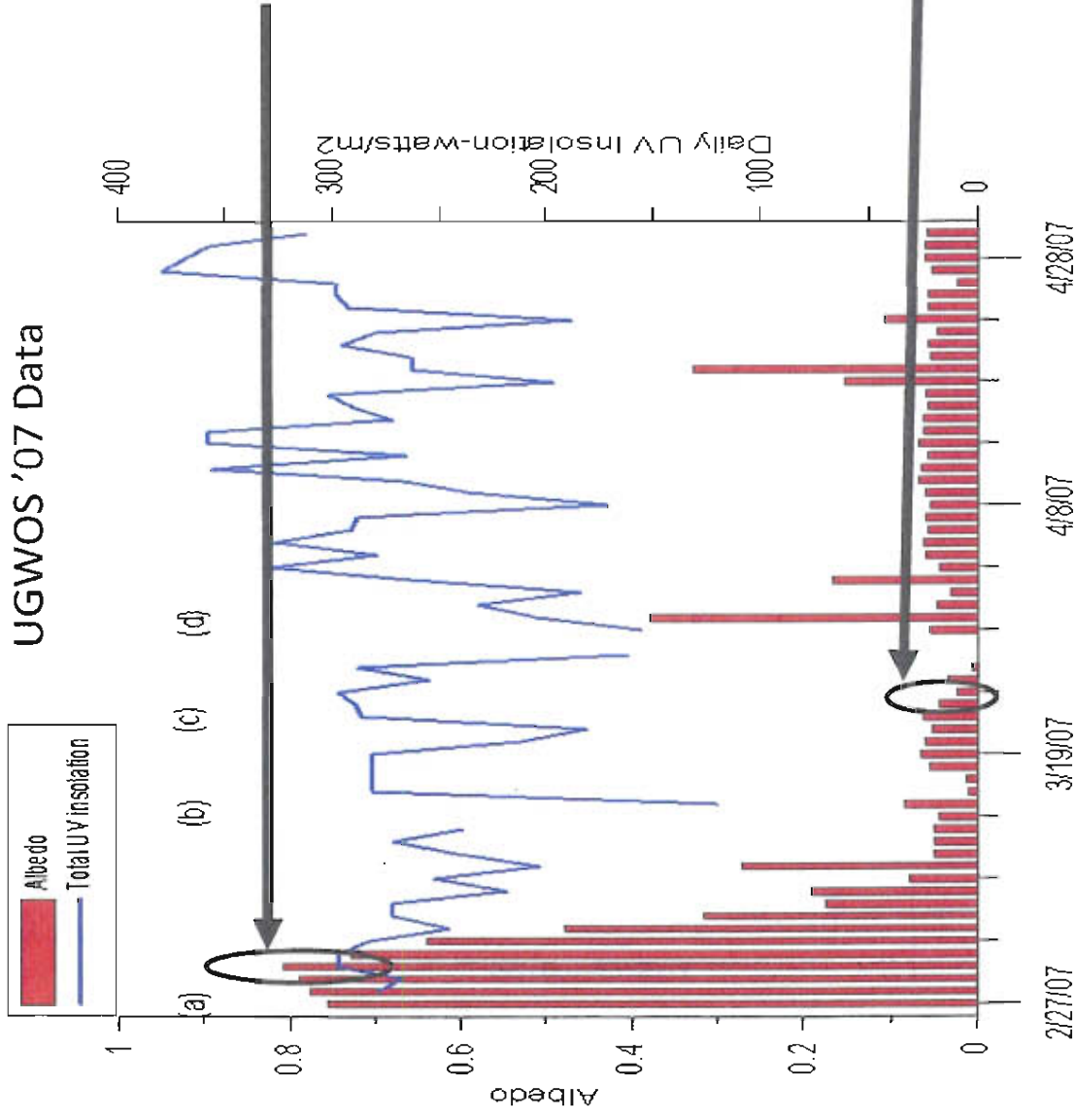
Large spatial variation throughout the basin

- Aircraft flights show that ozone is not well mixed throughout the Basin.
- Areas of greatest concentrations are hard to predict
- Readings consistent with surface network data
- Flight shown: February 21, 2008, 1:30 to 5:00 pm



UV Radiation and Snow Cover

UGWOS '07 Data

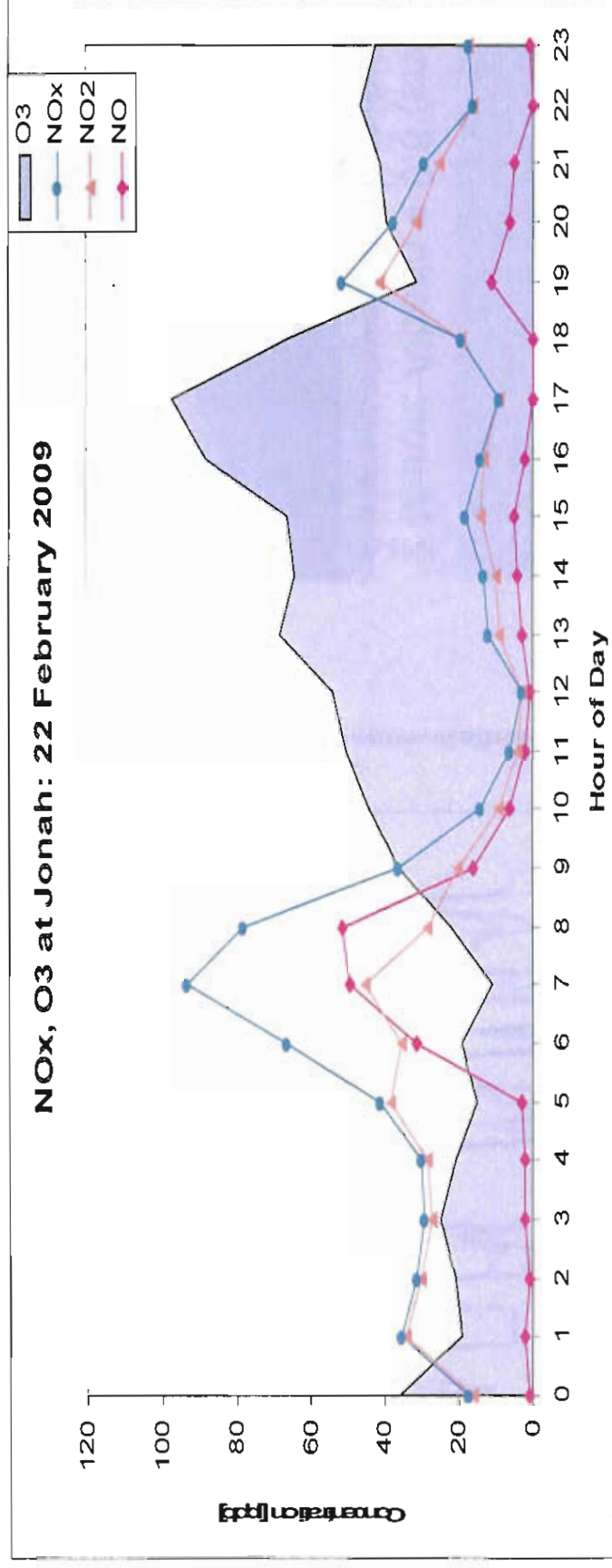


2 March: Albedo = 0.8 (snow)



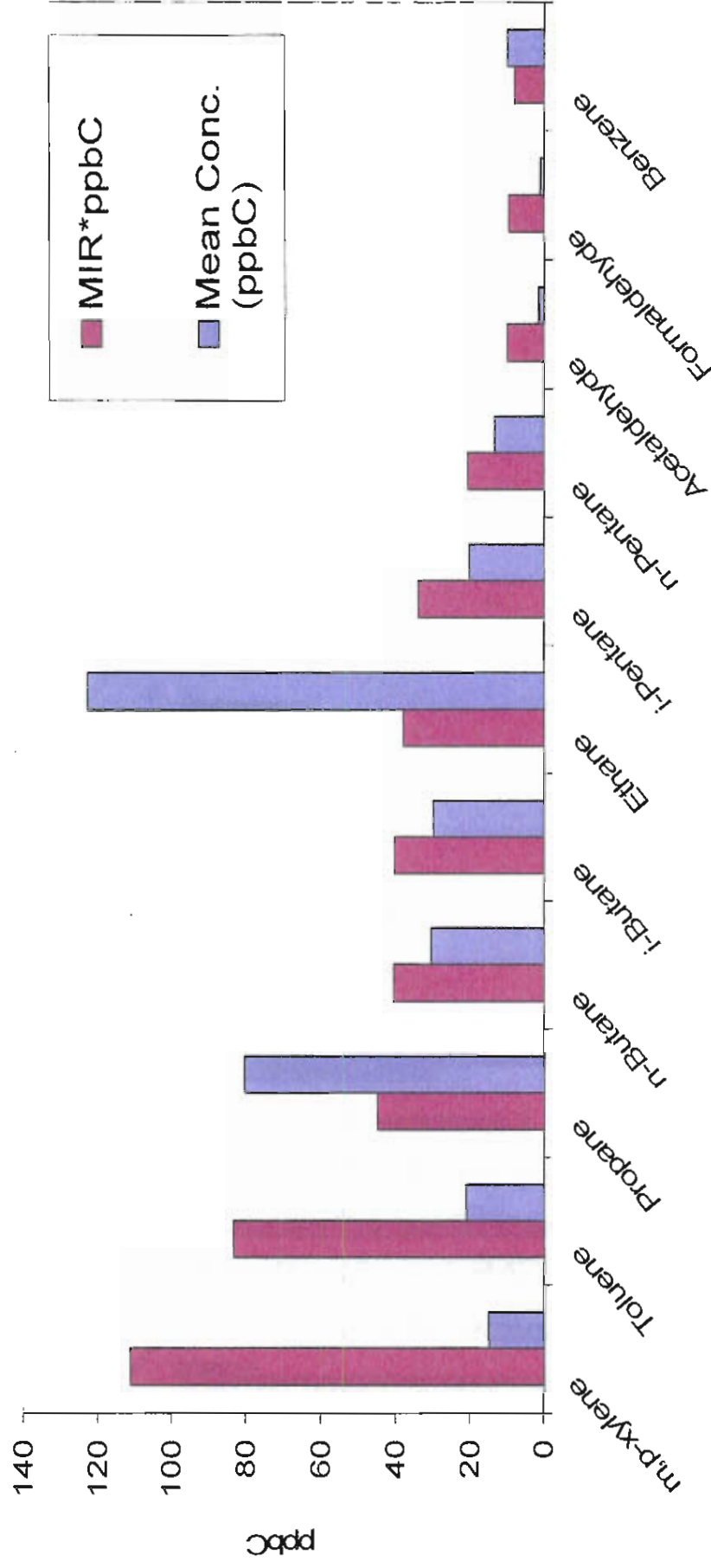
23 March: Albedo = 0.06 (bare ground)

NOx at Jonah



- Typical high ozone day at Jonah
- High morning NO with wind shift → strong local source
- O3 peak in late afternoon coincides with wind shift to SE

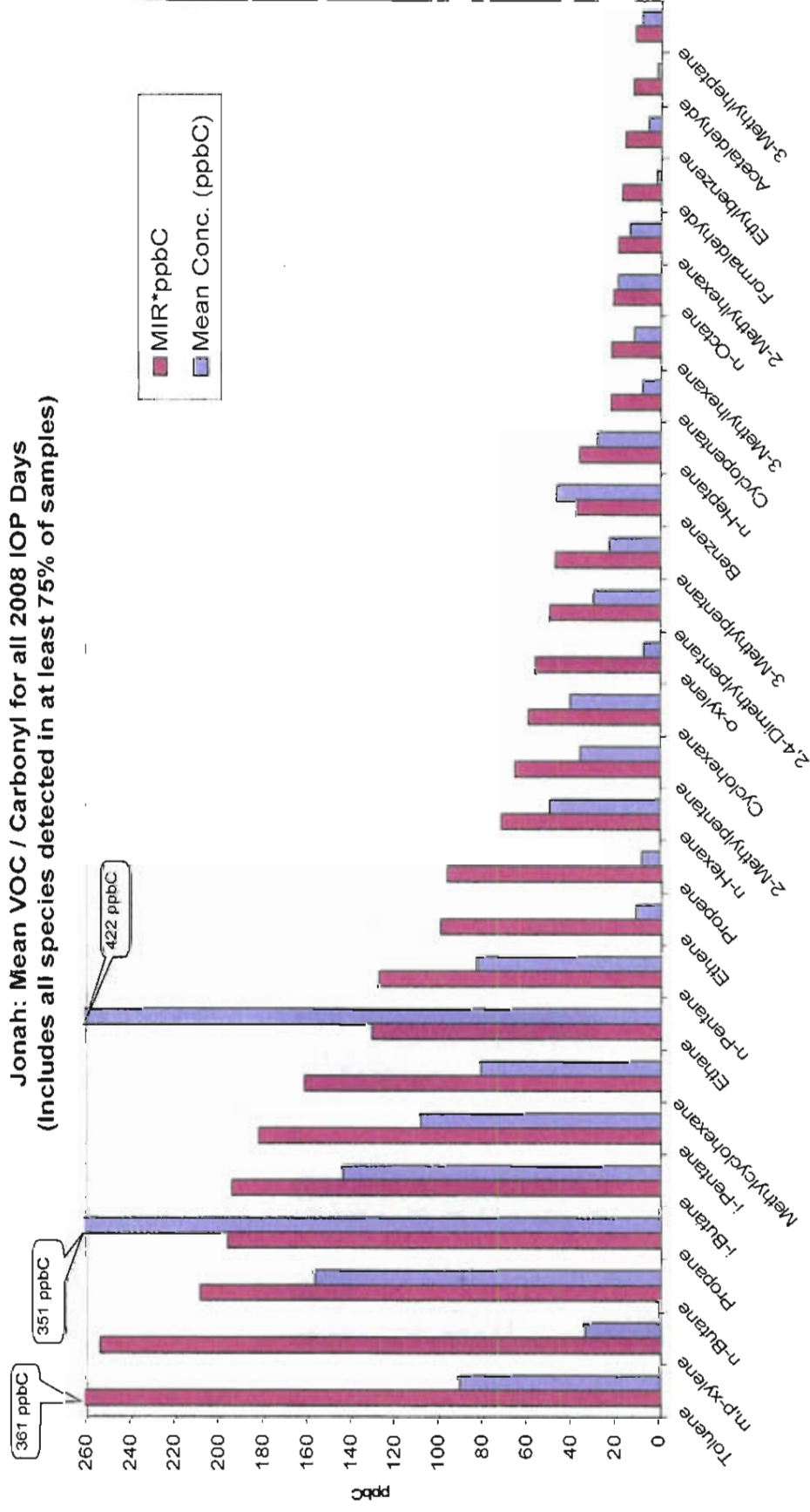
Species Abundance: Boulder 2008



- MIR weighting indicates relative reactivity for typical summer urban conditions; reactivities in SW WY may be very different
- Toluene and xylenes significant contributors to reactivity
- Aldehydes very reactive but concentrations are low

2008 Boulder data; includes all species found in at least 75% of all samples

Species Abundance: Jonah 2008



- Many more species > MDL compared to Boulder
- Overall results similar to Boulder w.r.t. importance of toluene and xylenes

2008 Jonah data; includes all species found in at least 75% of all samples

Other Measurements

- Continuous CO and SO₂ (2009 study)
- Ammonia and particulate nitrogen
- Some canisters analyzed for CH₄ and CO
- NO_y and PAN (2009 study)
- NO₂ photolysis (2009 study)
- HONO (2010 study)



Key Characteristics of Winter O₃

Episodes

- Upper air high pressure ridge over Basin
 - trapping colder air at the surface
- Strong temperature inversion that persists throughout the day
- Sunny skies
- Weak surface pressure gradients → light winds
 - Recirculation influenced by topography
- Snow cover across UGRB
- VOC and NO_x concentration measurements show high VOC/NO_x ratios

Meteorology

Typical Characteristics of High Ozone

Episodes in the Field

- Extensive snow cover, light winds, clear to partly cloudy skies
- Strong, surface based inversion
- Pollutants trapped in very shallow layer (less than about 150m)
 - High morning NO_x and VOC
 - Limited horizontal mixing results in strong spatial gradients
- Morning NW to afternoon SE wind reversal
 - Most common at Jonah; also seen at other sites
- Elevated ozone most common along Pinedale Anticline and in and around the Jonah field
- Polluted conditions can develop very quickly – within 24 hours of clean conditions

Challenges of Modeling Winter Ozone

- Current models are developed for summer time, urban sources with relatively little terrain and near-sea level conditions
- AQD needs to develop specialized inputs
 - wind-field for complex terrain and low wind speeds
 - daily actual inventory for minor sources
 - upgrade chemistry modules for unique VOC inventory

Trajectories: Regional Scale Vs. Local Scale

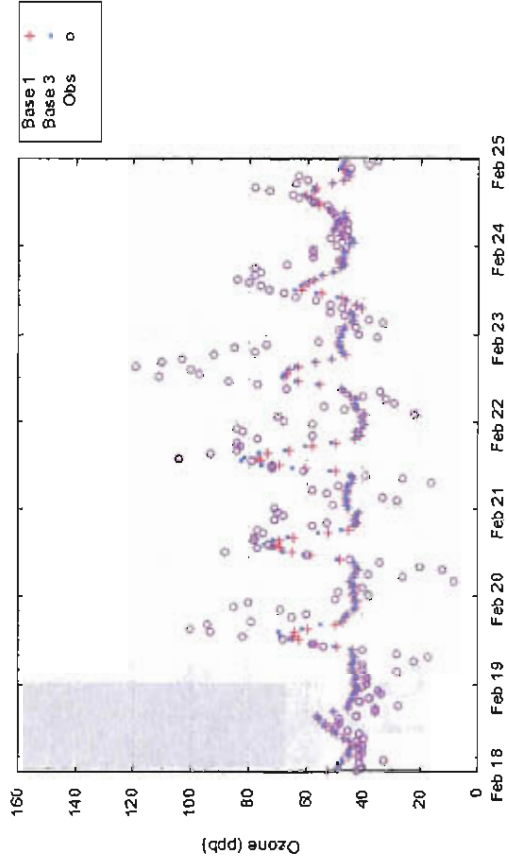
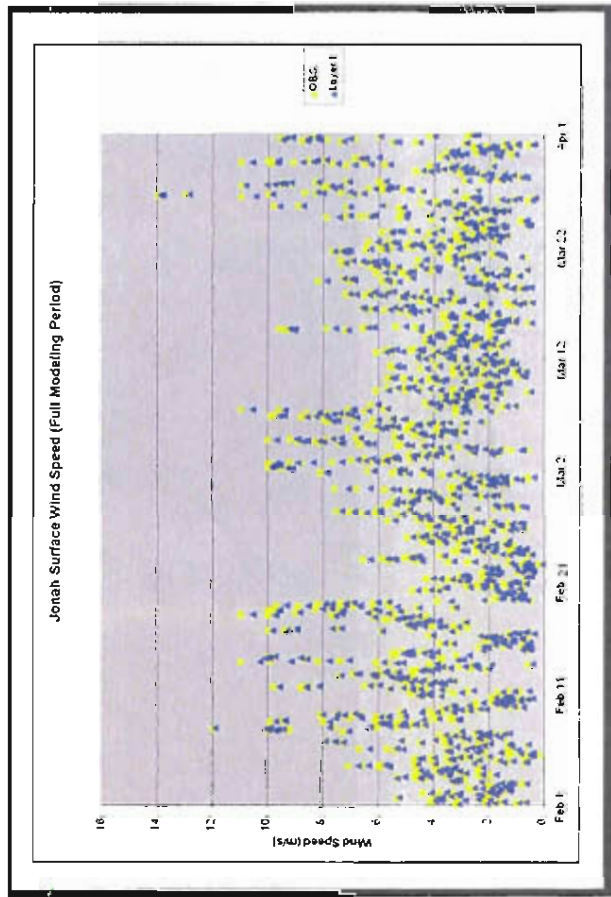
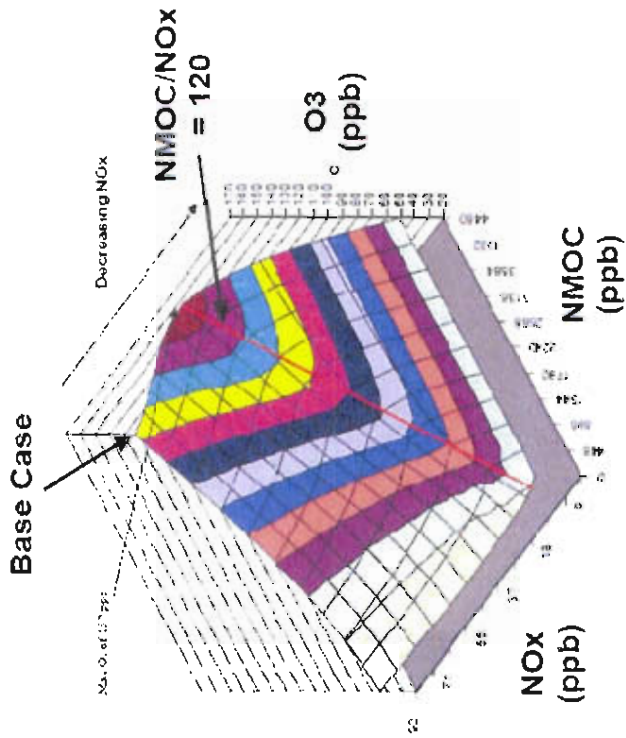
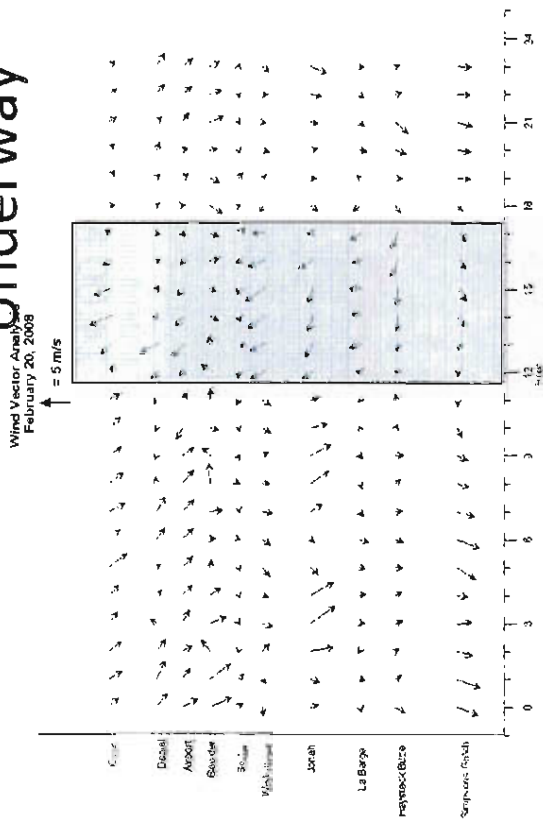


- Regional-scale model: HY-SPLIT back trajectories using 40 km resolution EDAS
- Local scale: UGWOS '08 surface wind data (markers at 1-hour intervals)

- 20 February 2008: 14:00 MST surface back trajectory from Jonah
- Markers at 1-hour intervals; 12 hours total

Modeling Efforts

Underway



Comparing Typical Ozone Problem Areas With Wyoming Ozone Problem Areas

Typical

1. Summertime exceedances
2. Urban setting
3. Major sources key players
4. Background levels relatively low
5. Models available for predicting ozone
6. VOC/NO_x ratios relatively low
7. Flat terrain
8. Available regional level met data useful
9. Urban chemistry modules useful
10. Large research base on summertime ozone health effects
11. Longer episodes
12. Nonattainment requirements useful for reducing emissions

Wyoming

1. Winter/spring exceedances
2. Rural setting
3. Minor sources key players
4. Background levels high
5. No models available for predicting ozone
6. VOC/NO_x ratios high
7. Complex terrain
8. Specialized wind fields developed
9. Specialized chemistry modules needed
10. No research base on wintertime ozone health effects
11. Short-term episodes
12. Nonattainment requirements not useful for reducing emissions

What is Wyoming Doing to Reduce Ozone in Sublette County?

- Permits
- Accelerated management of emissions from sources without controls
- Contingency Plans
- Cooperative efforts with local governments and industry



Drill Rig Permitting

- Approximately 60 drill rigs in JPDA covered by permits
- Control methodology utilized on drill rig engines
 - Diesel Engines
 - Selective Catalytic Reduction (SCR)
 - Oxidation Catalyst
 - Limit Operating Hours

– Natural Gas Engines

- Lean Burn Technology
- Oxidation Catalyst



Interim Policy

- Strategy to allow permitting of new/modified sources while long-term emission reduction approach is being developed
- Policy describes options to demonstrate that the proposed facility will not prevent maintenance or attainment of any ambient air quality standard.
- Offsetting VOC and NO_x emissions is the option of choice
 - Offset requirements: 1.5:1 for VOC and 1.1: 1 for NO_x

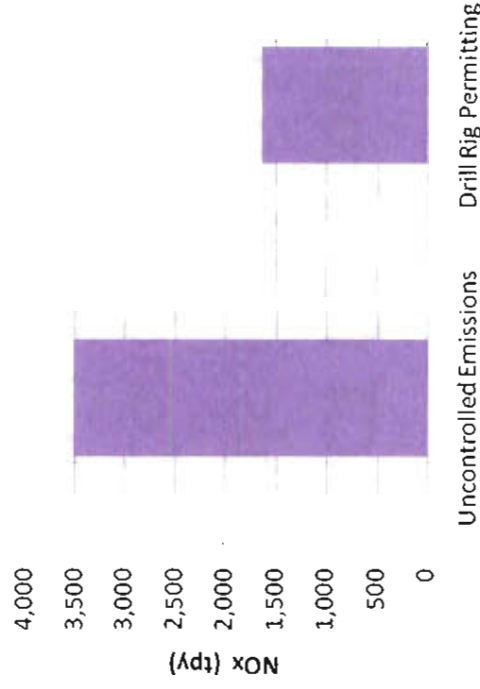
Minor Source BACT

- New or modified sources are subject to BACT
- BACT for production sites requires VOC emissions to be controlled from
 - Condensate and water tanks
 - Dehydration units
 - Pumps
 - Controllers
 - Well completions
- BACT – IC engines
 - 0.5 – 1.0 g/hp-hr NO_x



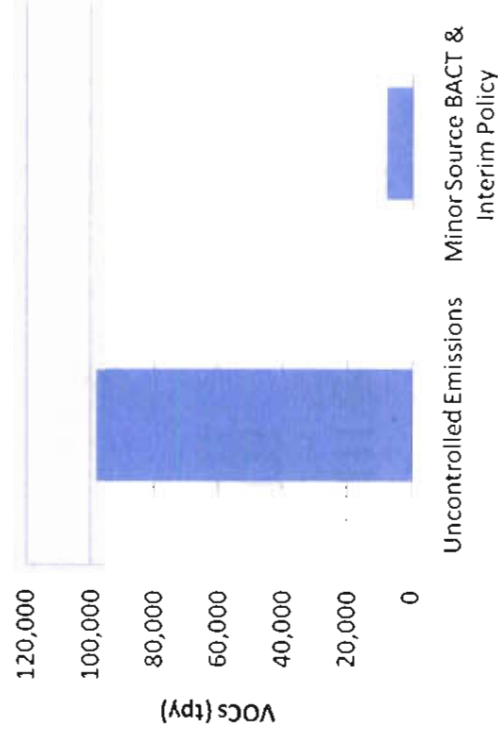
AQD's programs proactively reduced NOx and VOC's in the area of concern

2008 Sublette County Wellsite and Drill Rig NOx Emissions Reduction



Note: Wellsite and drill rig NOx emissions 51% of Sublette County total

2008 Sublette County Wellsite VOC Emissions Reduction



Note: Wellsite VOC emissions 65% of Sublette County total

Contingency Plans

- AQD requires plans for short-term emission reductions during winter meteorological conditions which could form elevated ozone
- Each operator submits a plan to AQD
- Implementation is triggered by AQD's issuance of ozone advisory
- Example reductions include:
 - Reduce vehicle idling and traffic levels
 - Postpone initiation of blowdowns, drilling and completions
 - Postpone nonessential construction and maintenance

Cooperative Efforts

- AQD, Sublette County Commissioners and Dept. of Health working together on air toxics study and health risk assessment
- AQD & Commissioners working on “boundary” monitoring
- Worked with oil & gas operators to fund new monitoring and investigation of ozone formation
- Worked with oil & gas operators to implement leak detection programs (using FLIR technology)
- University of WY partnership

Public Outreach

- Instituted quarterly public outreach meetings
- Website dedicated to communicating ozone information for the county
- Forecasting for potential episodes and public alert system
- Real-time ozone website and began uploading real-time data to EPA's AirNow



Concerns Going Forward

- States need flexibility to develop tools that will help us get back in attainment
- Understanding how to deal with background
- Accelerated schedule for designation overwhelms our resources
- Monitoring rule and proposal of year-round season
- Other Region 8 states were not proposed as year-round season

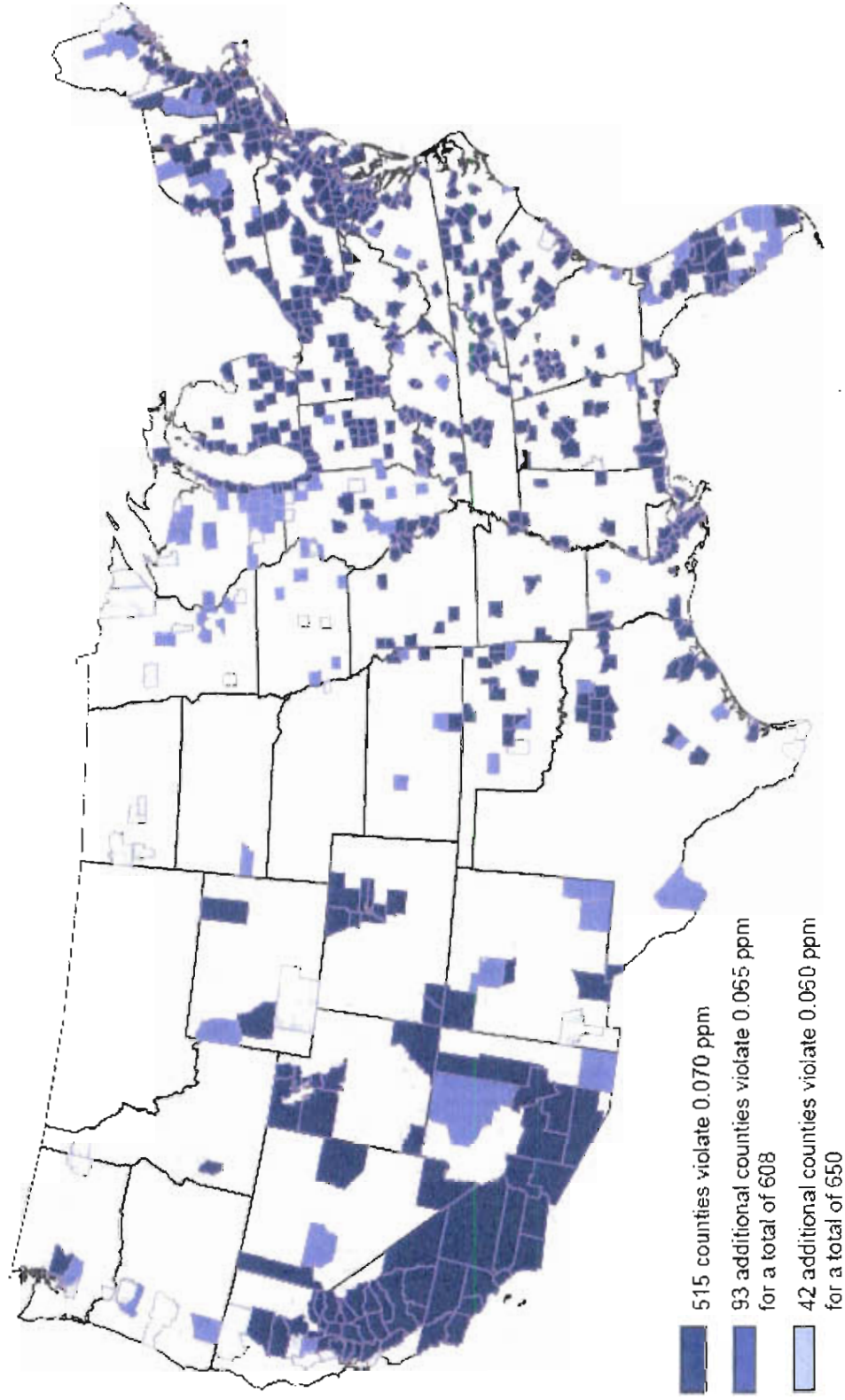
Concerns Going Forward (cont')

- For the Secondary W126 standard, ozone effects on vegetation in winter is not well understood
- Limited understanding and research on winter ozone health effects
- The new standard will cause several new non-attainment areas: concerns will be compounded in these areas
- Wyoming STAG grant does not cover current ozone monitoring and will not increase to support additional required monitoring (1/2% state)

Counties With Monitors Violating Proposed Primary 8-hour Ground-level Ozone Standards 0.060 - 0.070 parts per million

(Based on 2006 - 2008 Air Quality Data)

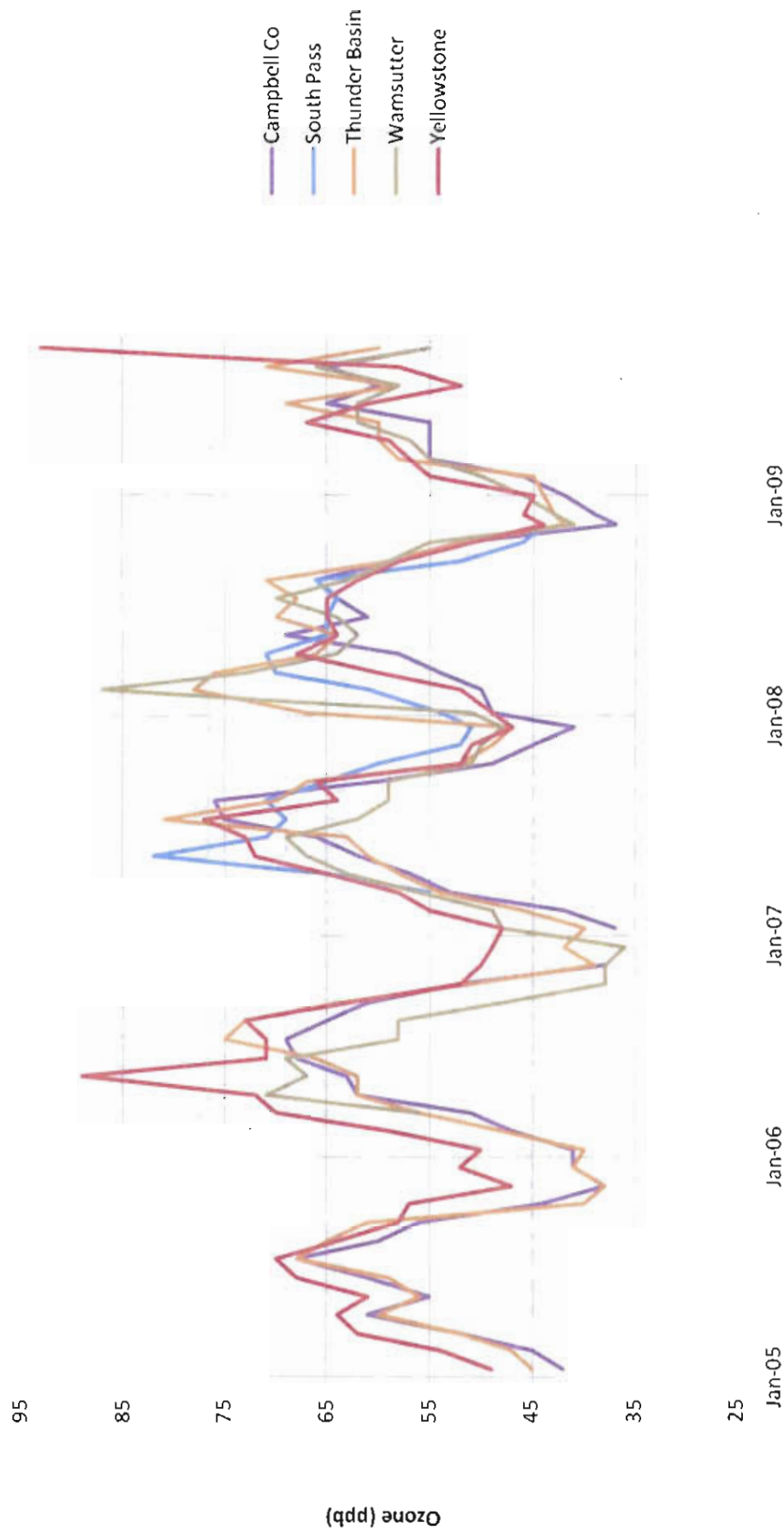
EPA will not designate areas as nonattainment on these data, but likely on 2008 - 2010 data which are expected to show improved air quality.



Notes:

1. No monitored counties outside the continental U.S. violate.
2. EPA is proposing to determine compliance with a revised primary ozone standard by rounding the 3-year average to three decimal places.

Monitored Monthly 8-Hour Maximum Ozone at Other WY Sites



Recommendations

- Reconsider ozone monitoring season for Wyoming
- Give Wyoming additional time to:
 - Implement additional controls to see if non-attainment can be avoided
 - Review data & recommend additional areas for non-attainment for new standard
- Consider additional funding for Wyoming
 - President's request is inadequate for Wyoming to implement new rules
- Work with WDEQ to understand episodic winter ozone
 - Will be using specialized tools; the standard "tool-kit" will not work for unique issues

Questions?

