



DEPARTMENT OF
ECOLOGY
State of Washington



Environmental Performance Partnership Agreement

*State Fiscal Years 2019-2021
July 1, 2019 to June 30, 2021*

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**Environmental Performance Partnership Agreement
Washington State Department of Ecology
US Environmental Protection Agency**

*State Fiscal Years 2019-2021
July 1, 2019 to June 30, 2021*

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Chapter 1 - Performance Partnership Overview

Introduction

This Environmental Performance Partnership Agreement (Agreement) documents commitments between the Washington State Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA). All aspects of this Agreement regarding the EPA are managed through the EPA Region 10, Seattle, Washington. This Agreement describes the EPA-funded activities carried out by Ecology programs that address:

- Water quality
- Air quality
- Hazardous waste¹
- Nuclear waste

This Agreement covers July 1, 2019 to June 30, 2021, and does not restrict the EPA's or Ecology's legal oversight or enforcement authority.

Decisions made by Ecology and the EPA are the basis for the commitments and plans in this Agreement. Before both parties sign this Agreement, the Department of Ecology will conduct a 30-day formal public review period. Comments received during this period, and responses, will be provided in an appendix in the final report.

Purpose

Ecology and the EPA share responsibility to meet environmental and related public health priorities of Washington State. The purpose of this Agreement is to:

- Recognize mutual environmental goals, strategies, activities, and performance measures.
- Re-commit to maintain a core level of environmental protection for all of Washington's residents in a manner that supports and advances environmental justice.
- Use indicators that reflect environmental conditions, trends, and results to measure environmental progress.
- Collaborate on opportunities to advance children's health.
- Re-commit to collaborate with tribal partners and other states.

¹Washington law uses the term *dangerous* waste. Federal law uses the term *hazardous* waste. Washington's definition of dangerous waste includes some wastes that are not included in the federal definition. For this Agreement, the term *hazardous waste* is used, respecting the distinction between the two terms.

- Describe the joint Resource Conservation and Recovery Act (RCRA) Work Plan and resource allocations for managing the federal grant dollars that EPA provides to Ecology for air quality, water quality, and hazardous waste management.

Budget

Final state and federal budgets for the time period of this Agreement will determine actual capacity for some of the plans and commitments described here. A general consideration for state activities is that, while state costs for salaries and benefits, equipment, etc. continue to rise, federal grant dollars have stayed level or decreased somewhat. This is a real constraint that impacts the extent to which deliverables can be committed to.

To address the time lag between writing and signing this Agreement's budget details and implications, both agencies agree to meet by the end of calendar year 2019. The meeting(s) will address specific budgets for each program area and how they may affect the related plans and commitments in this Agreement. If other budget adjustments are needed during the period of the Agreement, both agencies will meet to coordinate related impacts, activities, and deliverables.

Overarching goals and objectives

As part of this Agreement, the EPA and Ecology recognize the following overarching goals and objectives. Although not always specifically addressed within this Agreement's details, they are still core values to the Agreement and both agencies. They are tied to the EPA's National Environmental Performance Partnership Guidance (2018-2019)), available at <https://www.epa.gov/ocir/national-environmental-performance-partnership-system-nepps>.

Goal 1: Conduct joint strategic planning that reflects performance partnership principles.

- Identify opportunities for enhanced work sharing, resource and workload flexibility, and phased implementation of program requirements, especially where budget reductions have negatively affected states' programs.
- Identify and pursue collaborations to improve Ecology-EPA business processes. Promote continuous improvement by applying Lean, including EPA's Lean Management System or similar techniques.
- Use this Agreement to organize and articulate mutual compliance and enforcement priorities and plans.
- Advance performance partnership principles through effective collaboration on policy and implementation issues, making full use of the issue resolution process to ensure that requests for flexibility and innovation are addressed and resolved at the highest levels needed.

Goal 2: Support EPA’s current priorities.

- Improve air quality by implementing pollution control measures to reduce the number of nonattainment areas.
- Empower communities to leverage EPA water infrastructure investments.
- Accelerate the pace of cleanups and return sites to beneficial use in their communities.
- Meet new statutory requirements to improve the safety of chemicals in commerce.
- Increase environmental law compliance rate.
- Accelerate permitting-related decisions.

Goal 3: Support Ecology’s strategic framework goals.

- Protect and restore land, air, and water.
- Prevent pollution.
- Promote healthy communities and natural resources.
- Deliver efficient and effective services.

Goal 4: Foster programmatically sound and fiscally responsible grant management practices.

What is not covered in this agreement

This Agreement is between Ecology and the EPA only.

- The Washington State Leaking Underground Storage Tank cooperative agreement and work plan between EPA and Ecology are separate from this agreement.
- The EPA grant funding for the Safe Drinking Water Act with the Washington State Department of Health (Drinking Water Program) is not subject to this agreement.
- The EPA grant funding for pesticides (Federal Insecticide, Fungicide, and Rodenticide Act) with the Washington State Department of Agriculture is not subject to this Agreement.
- Indian Country and tribal resources are also not covered under this Agreement. The state and the EPA have and will continue to develop separate environmental agreements with individual tribes. Still, Ecology and the EPA recognize that collaboration with individual and regional tribes is important for better environmental management and advancing environmental justice.

Ecology and the EPA will continue coordinated work on a number of other commitments not included in this Agreement. Many of those commitments are referenced within this Agreement's program-specific chapters. Those commitments include, but are not limited to:

- Requirements under the Endangered Species Act
- Approval of the National Pollutant Discharge Elimination System (NPDES) Program
- State Revolving Loan Fund Operating Agreement
- State Revolving Loan Fund Intended Use Plan
- National Estuary Programs
- Nonpoint Source Annual Report
- Water Quality Management Plan to Control Nonpoint Source Pollution
- Operating Agreement for Clean Water Act Section 319 Nonpoint Source Grants Management
- Enforcement Response Policy for Resource Conservation and Recovery Act
- Resource Conservation and Recovery Act Memorandum of Agreement

Ecology's primary programs covered in this agreement

Three Ecology programs are the primary recipients of EPA funds to carry out the work addressed in this Agreement:

- Air Quality
- Water Quality
- Hazardous Waste and Toxics Reduction

The EPA either delegates or authorizes these programs pursuant to the following respective federal laws:

- The Clean Air Act
- The Clean Water Act
- The Resource Conservation and Recovery Act (RCRA)

Ecology's Industrial Section, within the Solid Waste Management Program, and the Nuclear Waste Program also conduct activities covered by these same federal laws. Those activities are also covered by this Agreement.

Ecology programs carry out many other activities and administer many other laws that are not covered by this Agreement. Those activities are funded by other means, including some from the EPA, but not by the grants specific to this Agreement.

Priorities

During this Agreement, Ecology and the EPA will focus on the following strategic priorities:

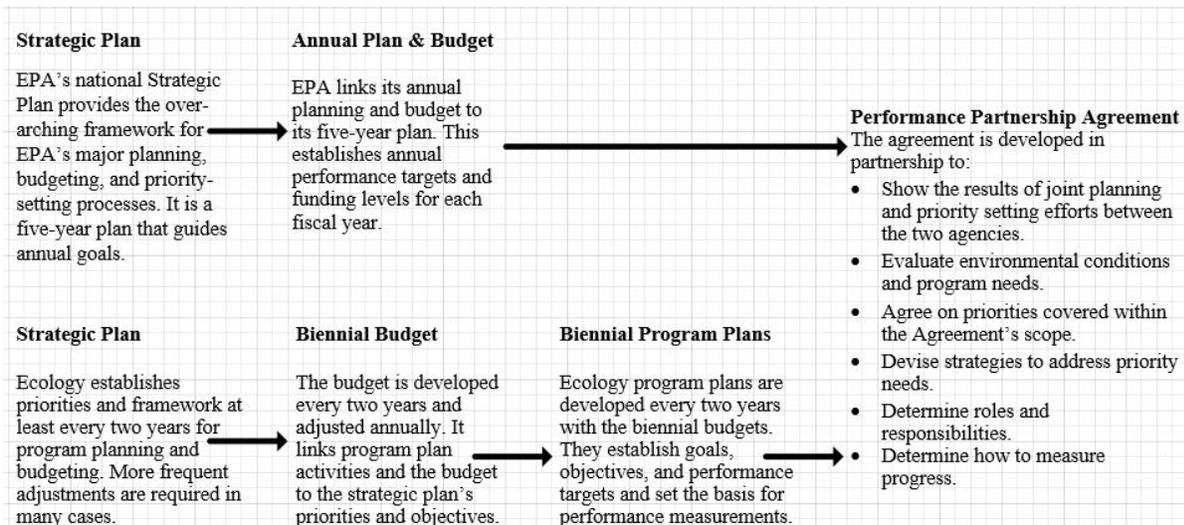
- Reduce and prepare for climate impacts.
- Prevent and reduce toxic threats.
- Protect and restore Puget Sound.
- Deliver integrated water solutions.
- Lead the effective and efficient cleanup of Hanford.

Performance management priorities

- Increase efficiencies and minimize wasted efforts.
- Explore improved ways to partner.
- Make timely decisions.
- Maintain open, creative, and positive communication.
- Accurately measure performance and communicate results to the public.
- Ensure transparency and accountability.
- Apply flexible and innovative strategies to achieve environmental results.
- Use EPA-provided trainings and webinars as opportunities to learn and collaborate.

Ecology’s and the EPA’s planning processes

Ecology’s and the EPA’s planning processes start with broad strategic goals and end with specific work plans to implement those goals. The chart below shows each step and how they relate to each other.



Tribal relations

Ecology and the EPA have important relationships with federally recognized Indian tribes. The federally recognized tribes are sovereign nations with regulatory authority within Indian Country. Their rights and resources are reserved by these treaties or by other means. The U.S. government has a unique trust responsibility to these tribal governments through:

- Treaties
- State and federal laws
- Executive orders
- Court decisions

Relationships with Indian groups and communities that are not federally recognized as tribes are also important to our agencies, but do not include the same trust or treaty agreements or equivalent laws.

Indian Country and tribal trust resources are not addressed within this Agreement. This Agreement is not intended to define or modify tribal relationships. Ecology and the EPA have, and will continue to develop, separate environmental agreements with individual tribes outside of this Agreement. However, in mutual recognition of tribal collaboration as part of this Agreement, the EPA and Ecology will continue to provide each other with copies of our respective environmental agreements with tribes upon request.

The EPA Indian Policy established in 1984 commits the EPA to operate in a government-to-government relationship with Indian tribes. The policy supports the self-government principle for tribes that manage federal environmental programs in Indian Country. When other agencies implement environmental programs, the EPA emphasizes the importance of working with tribes. The EPA also encourages cooperation between state, tribal, and local governments to resolve environmental issues of mutual concern. It is very important for Ecology and the EPA to work with tribes to address Endangered Species Act issues related to the current and proposed listings of several species in Washington State.

The historic Centennial Accord, signed by tribes and the State of Washington in 1989, commits the parties to a heightened level of mutual government-to-government cooperation. Ecology's Centennial Accord Implementation Plan is available on the Governor's Office of Indian Affairs website. In addition, Washington State law, Chapter 122, Laws of 2012, State-Tribal Relationship – Indian Tribes, directs state agencies to make reasonable efforts to collaborate with Indian tribes in the development of policies, agreements, and program implementation that directly affect them.

EPA grants to Ecology

This Agreement includes joint Ecology and EPA activities related to air quality, hazardous waste management, and water quality. Ecology is delegated by EPA to administer Clean Air Act and Clean Water Act activities addressed in this Agreement. Those activities are funded in part through EPA’s consolidated “Performance Partnership” grant. Ecology is authorized to administer the Resource Conservation and Recovery Act (RCRA) regarding hazardous waste management activities, also addressed in this Agreement. Reflecting this legal difference between “delegation” and “authorization,” Ecology receives a RCRA grant that is separate from the Performance Partnership grant. For the remainder of this Agreement, the terms “delegated” and “authorized” are considered the same for general purposes, respecting there is a legal distinction between the two terms.

This Agreement does not cover all Ecology work funded by EPA grants. The table below lists the grants that are included in this Agreement (not including Ecology matching funds).

Table 1: Agreement Grants – State Fiscal Years 2020-2021

ECY #	EPA #	Ecology Title	EPA Catalog Title	Estimated EPA Grant Amount	End Date
Air Quality					
FB00	66.605	Air Grants	Performance Partnership Grant	\$6,900,000	6/30/21
Hazardous Waste Management					
M221	66.801	Hazardous Waste RCRA	Hazardous Waste Management Support	\$3,206,233	6/30/21
Water Quality					
FB00	66.605	Water Grants	Performance Partnership Grant	\$10,783,180	6/30/21

Performance Partnership grant

The purpose of the Performance Partnership grant is to:

- Reduce administrative burden by consolidating several air and water grants into one.
- Increase the flexibility to reallocate resources between grants and programs to meet the highest environmental priorities in the state.

Funding sources for the Performance Partnership Grant include the:

- Surface Water 106 Grant (Base Water Grant)
- Groundwater 106 Base Grant
- Underground Injection Control Grant
- Clean Air Act Section 105 Base Grant

Resource Conservation and Recovery Act grant

Hazardous waste activities described in this Agreement are funded in part by a federal Resource Conservation and Recovery Act (RCRA) 3011 grant to Ecology. The RCRA grant is separate from the Performance Partnership Grant.

Assessment process

All elements of this Agreement are important to both agencies and will be open to assessment, enhancement, and correction as needed. Ecology and the EPA will regularly, together and independently, assess the progress of the specific activities covered in this Agreement. These assessments will focus on activities subject to the air quality, water quality, and hazardous waste elements funded by the grants noted above. Other parts of the Agreement will be open to assessment as the need arises.

Assessments of the funded elements of the Agreement will identify any actions needed to assure success and compliance with the Agreement. Ecology and EPA will use the regular assessments to consider work adjustments, and, if necessary, amend the Agreement. If a formal amendment is needed, there will be a public review and comment process before its completion.

The midterm assessment will include the following elements:

- **Compliance:** Are Ecology and EPA in compliance with the Agreement?
- **Budget implications:** Are budget constraints impairing the Agreement's work?
- **Effectiveness:** Does the work covered in the Agreement apply resources to the highest environmental priorities and improve environmental outcomes?
- **Public access to review and engage:** Does the work covered in the Agreement advance environmental justice, community access, and public engagement related to that work?
- **Fiscal soundness and program accountability:** Are the funds used for the Agreement managed in an efficient, legal, effective, and economical manner?
- **Accomplishments and changes:** Significant accomplishments or critical changes needed relative to the Agreement

Environmental Performance Partnership Agreement

About 18 months into this Agreement's term (early 2021), the combined assessments will form the basis for the next agreement's priorities and negotiations. That will help ensure accountability for this Agreement's completion and continuity with the next agreement's priorities. As with this Agreement's finalization, public review and comment will be part of the next agreement's finalization, before this Agreement expires.

The media specific midterm assessments in 2020, combined with the next public review/comment process in 2021, provide annual (at least) assessments relative to this Agreement. As always, both agencies welcome questions about the Agreement's activities, at any time.

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Chapter 2 - Quality Assurance

Introduction

It is critical for Ecology to generate and use environmental data of known and documented quality, as we assess and report on the condition of the air, water, and land to understand problems and take corrective actions. This is necessary to support, among others, the strategic priorities:

- Reduce and prepare for climate impacts.
- Prevent and reduce toxics threats.
- Deliver integrated water solutions.
- Protect and restore Puget Sound.
- Lead the effective and efficient cleanup of Hanford.

Most of EPA's grant money to Ecology requires certification that Quality Assurance Plans are developed and implemented. This ensures the millions of dollars spent on environmental sampling and analysis, analysis of existing data, and environmental modeling provide data of known quality that is usable for its intended purpose.

Quality assurance requirements for grants and cooperative agreements to state and local governments are implemented in U.S. law (40 CFR Part 31 and quality assurance requirements for State and Local Assistance in 40 CFR Part 35). The following paragraphs describe how Ecology will continue to meet those requirements.

Quality assurance policies

Ecology has implemented several agency-wide policies specifying quality assurance activities.

Ecology Policy 22-01 - Establishing Quality Assurance

This policy requires development and approval of Quality Assurance Project Plans (QAPPs) for all projects that generate or use environmental data, including modeling efforts before the projects begin. It also establishes the documentation of the quality system in Ecology's Quality Management Plan.

Ecology Policy 22-02 - Requiring the use of Accredited Environmental Laboratories

This policy requires the use of accredited labs and analytical methods for all data accepted by or generated by Ecology. Ecology's Lab Accreditation unit supports this requirement.

Water Quality Program Policy 1-11 Chapter 2/Environmental Assessment Program Policy 01-09 Ensuring Credible Data for Water Quality Management

This policy establishes a set of rigorous quality requirements. This policy applies when data related to water quality standards, 303d assessment, and Total Maximum Daily Load (TMDL) allocations are submitted to Ecology.

Quality management plan

Ecology's Quality Management Plan (QMP) was last revised and approved in 2015. The document conforms to the EPA's format and content requirements and aligns Ecology's plan with the EPA's requirements for environmental data quality. This QMP was approved by the EPA Region 10's Quality Assurance Manager and, based on that approval, Ecology is delegated the authority to review and approve Quality Assurance Project Plans (QAPPs), based on procedures documented in the QMP. The EPA approves the QMP on a five-year cycle, and Ecology expects to submit the next revision to EPA for review and approval in September 2020.

Standard operating procedures

Ecology staff have developed and currently use just under 300 standard operating procedures (SOPs) that describe detailed field sampling methods and field measurement techniques. Most of these are standard-format SOPs that detail activities conducted within the Environmental Assessment Program (EAP), including Manchester Environmental Laboratory (MEL) and Laboratory Accreditation Unit SOPs. Ecology's QMP requires all SOPs to be recertified on a three-year cycle. The Quality Assurance(QA) Officer currently tracks this process for about 90 field SOPs while the MEL QA Coordinator is responsible for tracking recertification of about 140 lab SOPs. Nearly all EAP SOPs are currently certified and we expect to recertify 50-70 SOPs during the upcoming period of performance.

The Ecology Programs listed below have authored the remaining 50-60 SOPs of the total:

- Air Quality
- Hazardous Waste and Toxics Reduction
- Solid Waste Management
- Toxics Cleanup
- Spills Prevention
- Water Quality
- Water Resources

Many of these SOPs are out-of-date because of confusion over who is responsible for tracking their recertification. For this reason, the QA Officer will prioritize having ALL agency SOPs current by the end of 2020.

Quality Assurance Project Plans

Quality Assurance Project Plans (QAPPs) are a critical component of Ecology's quality assurance system. In late 2016, Ecology updated its QAPP template, now intended for use by Ecology staff and external parties, to include numbered headers, additional content, and more detailed instructions. The changes make the template longer but more understandable and easier to complete. For example, the template now features some guidance language for describing water quality modeling efforts. A companion QAPP review checklist helps staff review QAPPs that are based on the latest template. Both QAPP template and checklist are available on the agency's website.² We anticipate revisions to the QAPP template and checklist in 2019 that will focus on:

1. Improving instructions for external parties using the template.
2. Clarifying other instructions.
3. Formatting consistent with updated agency standards (including accessibility).

Ecology's Environmental Assessment Program produces more QA documents than other agency programs, totaling about 80 approved QAPPs or QAPP Addenda over a recent three-year period. Based on this information, the QA Officer expects to approve 25-30 EAP QAPPs or addenda during each of the upcoming two years. All other Ecology programs combined will likely be responsible for reviewing 50-60 QAPPs each year, with approvals granted by QA Coordinators or individual grant/site managers.

National Estuary Program activities

An addendum to Ecology's 2010 Quality Management Plan, describing the initial QA program for National Estuary Program (NEP)-funded activities and the new Quality Coordinator position (NEP QC), was approved in 2011. Ecology is currently finalizing revisions to that addendum that describe its continued QA oversight role under the new funding model. The addendum, initially drafted in 2017, will be submitted for all appropriate approvals in spring 2019.

For the two-year period ending on or about October 15, 2018, the NEP QC:

- Reviewed, commented on, and facilitated approval of 38 QAPPs and 88 QAPP waivers (126 QA documents total).
- Gave presentations or participated in several internal quality assurance seminars and workshops.
- Conducted seven project audits.
- Commented on 45 final project reports.

² <https://ecology.wa.gov/About-us/How-we-operate/Scientific-services/Quality-assurance/Quality-assurance-for-NEP-grantees>

It is difficult to accurately predict workload two years in advance. However, based on results from the two years ending October 2018, and the growing knowledge of 2018-2019 awards and the nature of upcoming projects, we estimate the NEP QC will need to facilitate approval of 15-20 QAPPs each year. In addition, providing technical assistance and QA training to grantees, shepherding approval of as many as 100 QAPP waivers, auditing projects, and commenting on final reports over the next two years will all add to the NEP QC's workload. All NEP QC activities, e.g., number of QAPPs approved, will be documented in biannual reports summarizing, as has been the practice since 2012.

Status reports

Ecology's QMP specifies that the NEP QC must prepare a status report for management every three years. This status report also includes recommendations for improvements to the QMP and its implementation. The most recent report is Washington State Department of Ecology Quality Report to Management (QRM) July 2012–June 2015.³

The next QRM is expected to be issued mid 2019.

EPA quality system review

The EPA Region 10's Quality Assurance and Management Unit audits approved state environmental programs within the region. EPA's quality reviewer's most recent audit of Ecology occurred in January 2017 and resulted in no findings. This indicated the agency was implementing its quality system in an acceptable manner. The audit recommended developing greater capacity to conduct QA training, perform internal audits, and document corrective actions. Additional observations included the following.

- Quality Assurance Coordinator (QAC) responsibilities needed clarification.
- Ecology's Manchester Environmental Lab's SOP for manual chromatographic peak integration needed more detail.
- Ecology programs that generate environmental data, especially if funded by EPA, needed to incorporate more frequent analysis of split samples (equivalent portions of the same sample analyzed by different labs).

Ecology has responded to some of these observations, but is still addressing others:

- The new QA Officer is expanding on a QA Training Plan drafted in late 2017. A final comprehensive plan is targeted for completion in 2019.
- The next update to Ecology's Quality Management Plan is expected in 2020. The update will clarify QAC roles and may propose that individual programs develop and adopt policies on frequency of analyzing split samples.

³ www.ecy.wa.gov/programs/eap/quality.html

Developing greater capacity for QA training, auditing projects, and issuing corrective action notices when needed, remains a longer-term goal largely dependent on human resources.

Quality assurance training

Ecology programs all support staff training related to program-specific topics, such as:

- Air quality monitoring
- Freshwater monitoring field methods
- Hazardous waste sampling
- Wetland delineation

The programs also promote and conduct new-employee training, but with variable emphasis on the agency's QA system. Resources to provide more in-depth QA training are more limited. Opportunities to send staff to comprehensive QA training outside the agency, e.g., EPA, are rare.

Within Ecology, the QA Officer is responsible for coordinating more detailed QA training. This is typically comprised of seminar presentations and lengthier workshops that are held at irregular intervals. In fall of 2018, a QA 'lessons learned' seminar and broader QA workshop were held. Ecology hopes to do this again in fall of 2019. In addition, a comprehensive QA Training Plan (see above), expected late 2019 will feature proposals such as:

- Onboarding of all new staff that includes key QA topics.
- An annual self-certifying, web-based, QA basics course for all staff.
- A more extensive set of web-based QA materials for all staff who are directly involved in generating or using environmental data review annually

QA training conducted by the QA Officer and Ecology programs will be documented in the QRM.⁴

⁴ www.ecy.wa.gov/programs/eap/quality.html

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Chapter 3 - Information Management

Introduction

Ecology and the EPA recognize that easy access to quality information plays an important role in helping both agencies achieve their environmental goals. Finding solutions to current environmental problems require the accurate and efficient capture, query, presentation, and sharing of data. It is also important to protect and secure this data.

Data sharing

High quality information must be readily shared among the growing number of interested organizations and individuals. This requires information systems that are easy to access, integrated (facilities, permitting, compliance, etc.) and cross-program or cross-agency in nature (water quality/quantity, hazardous/toxic/solid waste, and air, etc.) to support scientific and administrative business needs. Both Ecology and the EPA Region 10 continue to expand data sharing resources with the goal to make data easily accessible to everyone.

In the same manner, both agencies will foster more data sharing with tribes, communities, local and regional governments. Ecology and the EPA recognize this as a basic part of advancing environmental justice. See Ecology's website for the many publicly accessible databases.⁵ More information about access to the EPA's data, see the Region 10's homepage.⁶

Ecology continues with the development of the Water Quality Assessment Automation (WQAA) system. When completed, the application will speed up the turn-around time of Ecology assessing environmental results across the state. The WQAA system will feed Ecology's WQ Assessment Tracking System (WATS) and the EPA's Assessment and Total Maximum Daily Load Tracking and Implementation System (ATTAINS), further automating information sharing between Ecology and EPA data integration.

Ecology and the EPA will continue to develop and support common architectures and data standards to better organize, manage, and integrate the region's environmental data. This effort will help ensure the data is readily accessible for cross-program or cross-agency analysis. At Ecology, this work continues through its Information Technology (IT) Governance process responsible for the:

- IT strategic planning, policies, and priorities.
- Ongoing development of enterprise architecture.
- Ongoing implementation and support of the Exchange Network (EN).

⁵ <https://ecology.wa.gov/About-us/Online-tools-publications/Online-tools-databases>

⁶ <https://www.epa.gov/aboutepa/epa-region-10-pacific-northwest>

National Environmental Information Exchange Network

The EPA and Ecology will continue to cooperate in the development and enhancement of the National Environmental Information Exchange Network (NEIEN). The EPA is committed to working with and providing resources to Ecology for the development of protocols needed to expand the number of data flows to priority national data systems via the NEIEN. It is the EPA's goal that all of Ecology's national data flows to the EPA's Priority National Data Systems via the NEIEN. Ecology continues to meet this goal and both agencies will continue to work together on data flows.

During 2017-2018 Ecology continued to flow TurboWaste data into RCRAInfo monthly. Ecology also worked on a TMDL project to flow water quality assessment data using the 2019 schema for the ATTAINS Information System. This work should be completed in the next biennium. In addition, Ecology is considering the use of the EPA's Cross Media Electronic Reporting Rule (CROMERR) web services to implement a new security framework for continuing the CROMERR flow of documents to EPA.

Chapter 4 – Environmental Justice

Introduction

Ecology is committed to the principles of environmental justice and shares the EPA’s goal “to provide an environment where all people enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work.”

The agencies will consult on effective practices to integrate environmental justice efforts into programs, policies, and activities that ensures the involvement and protection of Washington’s diverse residents, including minority, low-income, tribal, and other underrepresented populations.

Both agencies agree to collaborate on identifying strategies to advance environmental justice in Washington State. The environmental justice coordinators of each agency will lead this ongoing effort and administer the tasks described in this chapter within available resources. Ecology’s environmental justice efforts are guided by federal laws, including Title VI of the Civil Rights Act of 1964 and Federal Executive Order 12898.

For more information about environmental justice work in the respective agencies, contact:

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Running Grass

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Regional Environmental Justice Coordinator
Phone: (206) 553-2899
E-mail: Grass.Running@epamail.epa.gov

Environmental justice activities

Title VI Compliance

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin, including limited English proficiency, by recipients of federal financial assistance. To help achieve compliance with Title VI, the EPA and Ecology will establish ongoing communication about emerging Title VI guidance and policies from the EPA and opportunities for Title VI training. Ecology and the EPA will continue to develop clear, compliant, and trackable practices to address Title VI obligations. Title VI requirements also apply to recipients of Ecology funding.

One obligation under Title VI is to provide meaningful access to individuals with limited English proficiency. Ecology continues to raise awareness and build capacity around language access requirements and effective engagement. This includes:

- An agency Language Access Coordinator
- Training
- Best practices guidelines
- Language data tools
- Translation and interpretation services

The EPA will continue to provide guidance and, as available, training on Title VI compliance related to language access.

Activities

1. Coordinate efforts to provide Title VI compliance information to federal sub-recipients
2. Host regional call or webinar on Title VI compliance and best practices for service requests and complaints

Regional Coordination

The EPA and state environmental agency environmental justice coordinators in Region 10 (Washington, Oregon, Alaska, and Idaho) will participate in monthly meetings to share information about current environmental justice issues, activities, and events. Participants convene and facilitate these calls on a rotating basis. The EPA convenes and facilitates a monthly Western States environmental justice call.

The goals of both calls are to increase knowledge, share resources, and collaborate on environmental justice issues, including:

- Potential and recognized areas with environmental justice concerns.
- National developments and intergovernmental environmental justice activities.
- Funding opportunities.
- Regional environmental justice grant recipients.
- Organizational changes.

Activities

1. Monthly meetings or calls for Region 10 and Western states (Ongoing).

Data and tools sharing

Each agency will share data and access to tools that help better identify environmental justice considerations in Washington's communities. A primary goal of this ongoing effort is to better track and gauge environmental justice progress across the state. This includes using screening and mapping tools such as the EPA's EJSCREEN⁷ and the Washington Tracking Network⁸, to identify populations potentially at higher risk to negative environmental and health impacts. The EPA and Ecology will review available demographic and environmental data to identify and prioritize work in areas with environmental justice concerns. Priority efforts include integrating environmental justice analysis into enforcement and compliance, permitting, site cleanup, and development of remedies to benefit overburdened communities. As available, the EPA will provide training on EJSCREEN and guidance on integrating environmental justice data and mapping into Ecology's work.

Ecology and the EPA will also strive to make the data collected by each agency better understood by and more accessible to the public. Both agencies are committed to government transparency, and strive to strengthen meaningful community engagement and partnerships.

Activities

1. Region 10/Western States meeting on using environmental justice data and tools for prioritizing environmental justice considerations in agency practices (e.g., permitting, enforcement, site cleanup).
2. Public education on how to access, use, and improve environmental justice data and tools.

Public networking

As time and resources allow, the EPA and Ecology will collaboratively host an environmental justice networking meeting in the state (and/or region). Both agencies will work together on efforts to build community partnerships and conversations through this networking. Activities may include hosting events that provide learning opportunities on issues related to:

- Environmental justice.
- Data access and mapping.
- Health disparities.

These events will not replace or substitute statewide or site-specific public outreach, permitting, rulemaking, or similar public engagement activities required by either agency.

⁷ www.epa.gov/ejscreen

⁸ <https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN>

Activity

EPA and Ecology will host a public environmental justice information and sharing call or webinar.

Environmental justice training

Both agencies recognize the mutual value of coordinating environmental justice training opportunities and fostering shared training for each agency's environmental justice staff, general work force, and management. The EPA will welcome Ecology staff to attend and participate in Region 10 environmental justice training opportunities. Likewise, Ecology will welcome the EPA's participation in their training opportunities.

One objective of these trainings is to highlight:

- The partnership between the EPA and Ecology.
- Joint activities.
- Funding relationships.
- Compliance oversight of Title VI of the Civil Rights Act of 1964.

This will help ensure compliance with federal laws and mandates, and ensure staff awareness of responsibilities to environmental justice principles and proper management of federal resources. Agencies will also track and alert counterparts to other environmental justice training opportunities, such as those sponsored by local communities, academic institutions, organizations, and other agencies.

Activities

- Ecology will pilot recently developed employee environmental justice training for EPA counterparts.
- Ecology and EPA will coordinate awareness and participation in the EPA's environmental justice training webinar series.

Climate change and adaptation

The impacts of climate change disproportionately affect populations with environmental justice considerations and social and economic vulnerabilities. People who are economically and socially marginalized, physically isolated, or have compromised health are at increased risk and least able to adapt to climate change effects. Ecology and the EPA will work together to track these risks, and develop statewide and regional emergency planning guidance that addresses populations with limited English proficiency, high risk, and environmental justice concerns.

Activities

1. Host a regional call or webinar on climate change and adaptation planning.
2. Develop regional climate justice resource guide.

Children's health

Both agencies will network, coordinate, and mutually support children's health activities within the EPA and related Ecology activities. Agency staff will update counterparts regarding:

- Washington's Children's Safe Products Act.
- Children's environmental health issues.
- Related grant opportunities.
- Related activities with a potential for joint or coordinated involvement.
- Networking with other state agencies.

Activity

Host a regional call or webinar on children's health and safe products initiatives.

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Chapter 5 - Compliance Assurance

Introduction

To get improved environmental benefits, Ecology and the EPA rely on both traditional regulatory approaches and innovative methods to ensuring compliance. Ecology and the EPA share a desire for a strong compliance assurance program that achieves environmental protection by:

- Identifying compliance problems.
- Providing technical assistance.
- Returning facilities to compliance.
- Taking appropriate actions against violators.
- Deterring future violations.

Compliance principles

Enforcing environmental laws is a vital part of the EPA's strategic plan to protect human health and the environment. The EPA's Fiscal Year 2018-2022 Strategic Measures list include the following goals related to civil and criminal enforcement work:

- Reduce the time between the identification of an environmental law violation and its correction.
- Increase environmental law compliance rate.
- Reduce the number of non-attainment areas.
- Reduce the number of square miles of watershed with surface water not meeting standards [impaired water].

The EPA also focuses enforcement and compliance resources on the most serious environmental violations by developing and implementing national program priorities, previously called National Enforcement Initiatives, now called National Compliance Initiatives or NCIs. For Fiscal Year 2020, these initiatives are being reconsidered with respect to:

- The new agency strategic plan.
- Co-regulator and stakeholder input.
- An enhanced use of the full range of compliance assurance tools available to regulators.

These modified NCIs are currently out for public comment and will be finalized later this year.

Ecology and the EPA Region 10 will coordinate their respective compliance and enforcement efforts to maximize results with available state and federal resources. Coordination will occur through:

- Collaborative planning on inspections and compliance initiatives.
- Information sharing and data responsibilities.
- Work and technology sharing, where appropriate.

The EPA Assistant Administrator of The Office of Enforcement and Compliance and Assurance issued interim guidance on enhancing regional-state planning and communication on compliance assurance work in authorized states in January 2018. This guidance is intended to begin the movement toward a more collaborative partnership between the EPA and authorized States. EPA Region 10 is following the guidance, including:

- Recognizing and respecting the state as the preferred implementing entity for national regulatory programs for which the local or state agency has delegation.
- Periodic joint work planning with state and local partners.

Consideration of economic benefits of non-compliance

When issuing environmental penalties, the EPA is directed to consider the economic benefit of noncompliance when making a penalty assessment. The EPA's policy on issuing environmental penalties includes directing regulators to recoup the economic benefit of noncompliance in penalty assessments.

The EPA expects Ecology, as a matter of course, to consider economic benefit as part of penalty calculations, and to assess and collect economic benefit when deemed significant as defined in policy. The EPA will evaluate Ecology on its implementation of this policy under the State Review Framework. The EPA has a computer program called BEN that Ecology can use as a model to calculate the economic benefits of non-compliance. To support the EPA's expectations, Ecology's Compliance Assurance Manual (July 2015) includes a statement that Ecology should consider economic benefit in their penalty calculations when appropriate to do so.

Alternative methods of achieving compliance

Ecology is involved in many activities intended to assure compliance with applicable environmental laws and rules. Consistent with our national strategic plan, EPA supports the full use of the enforcement toolkit to address issues that might arise. These include traditional enforcement and compliance activities such as inspections, fines, and other types of penalties along with:

- Educational programs
- Compliance assistance initiatives
- Public engagement

- Technical assistance
- Pollution prevention

Evaluating compliance assurance programs

The EPA and the Environmental Council of States (ECOS) together have developed a process and method, called the State Review Framework (SRF), for evaluating state compliance and enforcement programs for air, water, and hazardous waste. Each year, the EPA reviews Ecology's enforcement programs under the SRF using data metrics. Full SRF reviews, with both data metric analysis and file reviews, occur about every four to five years.

The EPA works with Ecology to develop plans to address any necessary improvements to compliance assurance programs. The EPA completed its most recent review of Ecology programs and issued its report in December 2017. Ecology continues to address areas of improvement based on the information EPA identified in the 2017 final report. The next full SRF review will kick off in the spring of 2021.

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Chapter 6 - Mutual Priorities for EPA and Ecology

Introduction

This chapter focuses on six major strategic priorities for both agencies over the next two years. Recognizing there are many other mutual priorities, these five are highlighted because of their unique complexities, substantial challenges, and because they rely upon strategic, multi-agency coordination to achieve success. These priorities require focused energy and creative leadership by both agencies, along with our many partners, to make real progress on protecting human health and the environment, and improving our quality of life. The six mutual priorities are:

1. Preventing and reducing toxic threats
2. Delivering integrated water solutions
3. Protecting and restoring Puget Sound
4. Leading the effective and efficient cleanup of Hanford
5. Reducing and preparing for climate impacts
6. Supporting community right-to-know

For more information about these and other high priorities, please see these agency websites.

- U.S. Environmental Protection Agency, Region 10 ⁹
- Washington State Department of Ecology ¹⁰

Preventing and reducing toxic threats ¹¹

Washington is a national leader when it comes to enacting and implementing policies to clean up, manage, and prevent problems caused by the ongoing use of, and exposure to, toxic substances throughout our economy. Yet toxic substances and pollutants continue to pose risks to human health and the environment. They are in our air, water, and soil, and in our bodies. Some toxic chemicals:

- Impair development.
- Affect reproduction.
- Disrupt our body chemistry.
- Cause cancer.

⁹ <https://www.epa.gov/aboutepa/epa-region-10-pacific-northwest>

¹⁰ <https://ecology.wa.gov/>

¹¹ <https://ecology.wa.gov/Waste-Toxics>

Some chemicals have limited impacts on humans but can be devastating to fish or other species. Of the tens of thousands of chemicals in use today, we know about the toxicity of very few. And we know even less about the combined effects of all these chemicals.

Many Ecology programs and the EPA are working to reduce toxic threats in one way or another. We have well established and effective programs to clean up and manage toxic substances. However, these programs were not designed to prevent many of the point or nonpoint releases of toxins we are now finding to be problematic. While the EPA has some authority to regulate toxic substances in products through the Toxic Substance Control Act (TSCA), it is used very infrequently.

At the state level, Ecology is working to integrate and balance three ways of reducing toxic threats:

- Prevent the use of toxic substances first.
- Limit or manage the amount of toxic substances put into the environment.
- Clean up after toxic substances have polluted air, land, water, or sediment.

Ecology continues to refine permitting and compliance work to improve our ability to manage ongoing toxic releases. Both agencies continue to address the legacy left behind from the release of toxic substances through our cleanup programs. Ultimately, prevention programs are the smartest, cheapest, and healthiest approaches to reducing toxic threats.

While continuing the investments in cleanup and management, Ecology adopted the following goals for preventing toxic contamination:

- Improve our ability to protect the most vulnerable human and wildlife populations.
- Avoid preventable future impacts and costs.
- Promote a strong, protective federal chemical policy and preserve the state's ability to innovate in this area.
- Create a systems approach to reducing toxic threats that is effective, fair, and economically feasible.
- Reduce and phase out the use of the worst of these toxic substances, known as persistent, bioaccumulative, and toxic substances.
- Promote technological innovation and solutions.
- Increase compliance and enforcement of laws to limit or manage the use of toxic substances.
- Pursue innovative cleanup.
- Educate the public.

Both agencies are involved in remediating pollution at many toxic cleanup sites around the state. In addition to this work, both parties look forward to continuing coordination where there are opportunities to minimize exposure to toxic threats in Washington's environment, including:

- Sharing data on hazards and risks of emerging toxic chemicals.
- Participating in developing Chemical Action Plans for:
 - Polychlorinated Biphenyls
 - A group of per- and poly-fluorinated alkyl substances known as PFASs.
 - Any future Chemical Action Plans.
- Continuing support for establishing a national mercury repository.
- Encouraging research on safer alternatives to halogenated flame-retardants.
- Developing incentives to encourage manufactures to reduce the use of toxic chemicals.
- Identifying safer alternatives to toxic chemicals.
- Continuing leadership of the Columbia River Toxics Workgroup.
- Supporting implementation of the Lautenberg Chemical Safety Act supporting reform of TSCA.

Delivering integrated water solutions ^{12 13}

As this Agreement is renewed, water management issues and their related challenges continue to be a high priority. Both agencies are committed to active collaboration and progress at addressing water management priorities. Water management is also directly tied to the other mutual priorities noted in this chapter:

- Protecting and restoring Puget Sound
- Toxics prevention, reduction, and control
- Leading the effective and efficient cleanup of Hanford
- Reducing and preparing for climate impacts and ocean acidification
- Supporting community right-to-know

At the time of the signing of this Agreement, the information on EPA's website, specific to Washington State, lists 22 high-profile topics. Twelve of the 22 topics are about some aspect of managing Washington's waters. Likewise, Ecology's website also provides information on more than a dozen water-related topics managed by the agency. While much of the cited work and priorities on the Ecology website are not directly tied to work carried out under this Agreement, many are impacted by or subject to program specific activities that are covered in this Agreement. For all of these reasons and issues, managing Washington's waters will remain a priority for the EPA and Ecology during the period of this Agreement.

¹² <https://ecology.wa.gov/Water-Shorelines/Water-supply>

¹³ <https://www.epa.gov/aboutepa/epa-washington>

Protecting and restoring Puget Sound¹⁴

The EPA and Ecology are dedicated to the protection, cleanup, and restoration of Puget Sound. Puget Sound was the first of the estuaries of national significance named in EPA's National Estuary Program in 1987 and is one of the few estuaries in the United States with a dedicated appropriation in the federal budget. This recognition of the national importance of Puget Sound enables the EPA to focus dedicated federal funds to Puget Sound cleanup goals and restoration efforts.

Washington State established the Puget Sound Partnership in 2007 to succeed the Puget Sound Action Team and to reinvigorate the restoration and protection of Puget Sound. The Puget Sound Partnership finalized and EPA approved the 2018-2022 Action Agenda in February 2019. The Action Agenda is a blueprint for restoring Puget Sound to a healthy state.

This Agreement highlights some key activities the EPA and Ecology will focus on in Puget Sound over the next two years. This is not intended to be a comprehensive list of activities but a highlight of key actions.

Puget Sound priorities for EPA and Ecology

The EPA and Ecology jointly agreed to focus major resources towards restoring and protecting the water quality within the Puget Sound Watershed. The EPA selected Ecology as the Strategic Initiative Lead (SIL), until 2021, to manage the stormwater efforts for Puget Sound. Ecology will also continue as the lead agency for toxics and nutrients prevention, reduction, and control and reach scale riparian habitat projects. The EPA provides funding to Ecology annually, as appropriations allow, under the authority of the National Estuary Program to support the priorities of the Action Agenda.

Starting in 2016, the Puget Sound Partnership updated the Puget Sound Action Agenda and the EPA updated the National Estuary Program funding model to focus on stormwater, shellfish, and habitat. Ecology, working with local, tribal, federal, state, private, and nonprofit partners continues to help the EPA and the Puget Sound Partnership to implement the Action Agenda by:

- Developing implementation strategies.
- Supporting science and monitoring for Puget Sound.
- Engaging members of the broader Puget Sound NEP Management Conference.

Discussed in the following text are summaries of some of the major Puget Sound program-specific projects the EPA and Ecology have agreed to work on together, including some expected actions and outcomes.

¹⁴ www.ecy.wa.gov/puget_sound/index.html

Stormwater

Along with Ecology's role as the SIL for Stormwater, Ecology and the Puget Sound Partnership are working together to address stormwater impacts on Puget Sound, but more effort is required. Stormwater priorities for the next two years include:

- Helping local jurisdictions prioritize stormwater retrofit projects to better direct state and local funding.
- Assisting western Washington jurisdictions with implementing new Phase I and II NPDES municipal stormwater permits, including low impact development requirements.
- Watershed-scale stormwater planning, and using creative approaches to help balance stormwater.
- Technical assistance for local government staff and private industry on low impact development design, inspection, and construction.
- Additional education efforts relative to the Puget Sound Starts Here education campaign.

Science and monitoring for Puget Sound

Ensuring appropriate science and monitoring are in place to support Puget Sound restoration and protection is essential. The EPA will continue to work with Ecology and the other SILs along with the Puget Sound Partnership and Puget Sound Institute to prioritize science and monitoring needs and look for ways to fund and support them. This includes the development of implementation strategies for priority vital signs of the Action Agenda.

No Discharge Zone for Puget Sound

Ecology finalized their Puget Sound No Discharge Zone in 2018 and will continue to work with stakeholders and partners in its implementation.

Coordination with the Puget Sound Federal Task Force

In 2016, the federal family signed a ten-year memorandum of understanding creating the Puget Sound Federal Task Force to strengthen and align the federal investment and support for Puget Sound recovery and protection. The task force developed a five- year action plan that includes coordinating and collaborating activities with Washington State.

Nutrients prevention, reduction, and control

Ecology has moved from model development and project scoping to executing the Puget Sound Nutrient Source Reduction Project with the goal of using the Salish Sea model and focused stakeholder engagement to develop a TMDL alternative for dissolved oxygen in the Sound.

Ecology formed a stakeholder advisory group, the Puget Sound Nutrient Forum, to create a shared understanding of the science defining the nutrient and dissolved oxygen problem and a collaborative environment for discussing potential implementation actions. The Forum consists of a series of all-day meetings that started in April 2018 and will continue into this next biennium. The forum brings together:

- Stakeholders and the public from all levels of government.
- Tribes.
- Watershed implementers.
- Academics and researchers.
- Consultant and representatives from non-governmental organizations.

We continue to monitor sensitive areas in Puget Sound, including the collection of nitrogen and carbon data to feed into the Salish Sea Model. Several significant improvements were made to the model over the last decade and are now used in this project. The first phase of modeling was conducted in 2018 and culminated in a technical report used to inform some initial nutrient reduction actions. The published report leads into the second phase of modeling that will culminate in a portfolio of point and nonpoint nutrient source reduction actions that we are confident will improve marine water quality. These actions will be documented in a Puget Sound Nutrient Management Plan that will inform Ecology's regulatory and non-regulatory implementation actions, similar to a TMDL.

In addition to Ecology's TMDL alternative, we are working with the Puget Sound Partnership to develop a Marine Water Quality Implementation Strategy under the Puget Sound Action Agenda. Its purpose is to guide near-term actions, funded through the National Estuary Program, to improve marine water quality with respect to dissolved oxygen. This implementation strategy will also use information from the Salish Sea Model and Ecology's TMDL alternative to link NEP with implementation of nutrient reduction actions in Puget Sound.

Toxics prevention, reduction, and control

The EPA and Ecology have worked together over the past few years to collect the information needed to guide decisions about toxic chemical control strategies for Puget Sound. In 2011, Ecology released a report that estimated the amount and sources of toxic chemicals entering Puget Sound. Ecology used this report, and other information on toxics, to set priorities for the NEP grant for Puget Sound. The EPA and Ecology have a successful history for large urban sediment cleanups (e.g., Commencement Bay).

The EPA and Ecology have an existing source control strategy for the Lower Duwamish Waterway and will continue to implement it concurrent with the EPA's and Ecology's Superfund and Model Toxics Control Act sediment investigation and cleanup plans. This work will rely on an integrated approach between Ecology's water quality and toxics cleanup programs, as well as

the EPA's water quality and Superfund programs. This effort will consider innovative approaches to deal with the challenges in this watershed.

Leading the effective and efficient cleanup of Hanford¹⁵

The EPA and Ecology are actively working to oversee cleanup of Hanford's nuclear and hazardous waste legacy. This is a high priority for Ecology and the EPA throughout the duration of this Agreement.

Hanford, in southeast Washington, is one of, if not the most contaminated site in the country. It is uniquely outstanding in technical complexity, cleanup costs, and the decades ahead are needed to safely carry out a comprehensive cleanup plan. There are many federal and state environmental rules, projects, plans, schedules, an overarching "Tri-Party Agreement" (TPA)¹⁶, and a federal court consent decree also dedicated to the Hanford cleanup. The U.S. Department of Energy, manager of this site, is the third party of the TPA, along with the EPA and Ecology. There are also many other entities (governmental, tribal, environmental, economic, and others) who are directly engaged in the Hanford cleanup.

From a regulatory standpoint, Hanford is considered one site even though it is 586 square miles in size. It contains thousands of contaminated sources and millions of gallons of radioactive and hazardous wastes. Ecology's Nuclear Waste Program, is almost entirely dedicated to the regulatory management of the Hanford cleanup. Regulatory compliance and coordination is a challenge unlike anywhere else in the country. This includes coordinating with the EPA's Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA¹⁷) Superfund Program.

In subsequent chapters of this Agreement, Hanford specific activities are addressed as they relate to the:

- Clean Air Act
- Clean Water Act
- Federal hazardous waste (RCRA) law

¹⁵ <https://ecology.wa.gov/Waste-Toxics/Nuclear-waste>

¹⁶ <https://www.hanford.gov/page.cfm/TriParty>

¹⁷ <https://www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act>

Reducing and preparing for climate impacts ¹⁸

Rising levels of carbon dioxide and other greenhouse gases have warmed the earth and changed the chemistry of the oceans. Washington State is already experiencing impacts that are consistent with a warming climate and changing ocean condition. Observed and projected impacts of greenhouse gas (GHG) emissions include:

- Warmer temperatures and more severe heat waves.
- Larger and more intense wildfires.
- Drier summers, and wetter autumns and winters.
- Decreased snowpack and loss of natural water storage.
- More frequent and severe drought.
- More severe winter flooding.
- Sea level rise.
- More extreme weather events.
- Decreased ocean pH.

These environmental changes are effecting our resources that are vital for our economy, communities, and environment. These resources include, but are not limited to:

- Forests
- Agriculture
- Water resources
- Coasts
- Infrastructure
- Shellfish and fisheries

The extent and duration of the effects will largely be determined by our collective success in reducing future emissions of GHGs. In addition, we need to anticipate and address the implications of a changing climate in our programs, policies, rules, and operations.

Washington State is addressing the challenge of climate change by taking responsible and thoughtful legislative and executive actions. The state is taking a comprehensive approach to develop and implement practical and coordinated policies and solutions to:

- Reduce energy use.
- Meet the GHG emissions reductions adopted into law in 2008.
- Unleash innovation, investment, and job creation.

¹⁸ <https://ecology.wa.gov/Air-Climate/Climate-change>

Washington State also developed comprehensive and integrated strategic responses to enable state and local agencies, public and private businesses, nongovernmental organizations, and individuals to prepare for, address, and adapt to the effects of climate change.

Broad coalitions of leaders, stakeholders, and the public have offered their thoughts and ideas as the state leads the way on reducing GHG emissions, and adapts to effects of climate change and ocean acidification.

Reducing GHG emissions and taking action to adapt to a changing climate are high priorities for Ecology. Ecology is working with the Governor's Office, legislators and various interests on advancing policies to reduce GHG emissions from transportation, electricity, and industrial uses.

The EPA is working with Ecology to better understand the effects of ocean and coastal acidification from local sources and has been an active member of the:

- Washington State Marine Resources Advisory Committee
- West Coast Ocean Acidification and Hypoxia Panel

The EPA and Ecology will continue to forge a strong and effective partnership to build on the work done so far to reduce GHG emissions and respond to the environmental challenges from changing climate and ocean conditions.

Supporting community right-to-know

The EPA and Ecology will continue to work together to ensure that industry complies with the requirements of Title III of the Superfund Amendments Reauthorization Act.

The overall goal of this section in this Agreement is to foster collaborative support for effective implementation of the federal Emergency Planning and Community Right-to-Know Act (EPCRA) in Washington as resources allow. Primary participants in this effort are:

- EPCRA Non-TRI leadership - Pesticides and Toxics Unit (EPA)
- Toxic Release Inventory leadership - Air Enforcement & Data Management Unit (EPA)
- EPCRA leadership - Hazardous Waste and Toxics Reduction Program (Ecology)

Primary themes addressed by this collaboration include:

- Support outreach opportunities to EPCRA stakeholders, including regulated facilities and their communities, Local Emergency Planning Communities, and the Washington State Emergency Response Commission (SERC).
- Facilitate SERC/EPA coordination.
- EPCRA data sharing including:
 - Tier Two data from Ecology to EPA.
 - TRI data verification as available.

- Compliance assistance.
- Updates on EPCRA enforcement.
- Quarterly calls or meetings to support mutual understanding of respective EPCRA-based roles, activities, and to foster coordination.

Background

EPCRA is implemented in Washington State by the State Emergency Response Commission (SERC). Ecology, as a core member of the SERC, has specific responsibilities that include:

- Providing regulatory support to industry.
- Tracking industry reporting compliance.
- Outreach efforts.

The EPA's Region 10 serves in a key advisory and support role to the SERC because it provides compliance assistance to industry, and has authority to take enforcement action on facilities that fail to meet the EPCRA reporting and notification requirements. This relationship between Ecology, the SERC, and the EPA is fundamental to the success of EPCRA compliance in Washington State.

Executive Order 13650 – Improving Facility Chemical Safety and Security (2013),¹⁹ reinforces the significance of EPCRA. The Chemical Facility Safety and Security Work Group (co-chaired by the Secretary of Homeland Security, the EPA's Administrator, and the Secretary of Labor) have key directives that include:

- Strengthening the state and local infrastructure created by EPCRA for emergency planning and preparedness, such as State Emergency Response Commissions, Tribal Emergency Response Commissions, Local Emergency Planning Committees, and Tribal Emergency Planning Committees.
- Ensuring participation of key stakeholders.
- Engaging chemical facilities in preventing, preparing for, and responding to chemical accidents.
- Ensuring effective communications and notifications to the community members before, during, and following a chemical incident.

Through this Agreement, the EPA and Ecology agree to continue to collaborate on EPCRA-related issues and work together to support and strengthen communities and stakeholders.

¹⁹ <https://www.epa.gov/rmp/executive-order-improving-chemical-facility-safety-and-security>

Environmental Performance Partnership Agreement

This work includes:

- The EPA communicating revisions to EPCRA regulations.
- The EPA providing compliance assistance and potential enforcement action, considering.
- Supplemental Environmental Projects whenever appropriate.
- Ecology providing information on industry compliance.
- The EPA sharing Toxics Release Inventory (TRI) report data via the Exchange Network.
- The EPA and Ecology jointly providing EPCRA training at local workshops.

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Chapter 7: Enhancing Public Health by Improving Air Quality

Introduction

The air in every community should be safe and healthy to breathe. Because air pollution crosses local, state, tribal, and federal borders, many agencies coordinate their activities to reduce and control air pollution. These agencies have worked together over the years to significantly improve Washington's air quality:

- Washington's seven local air quality agencies
- Ecology
- The EPA
- Federally Recognized Tribes²⁰

The number of days Washington's air quality violated federal health-based standards has greatly decreased because of these agencies' work.

This Agreement's purpose is to improve environmental quality by strengthening and extending the partnership between local air quality agencies, Ecology, and the EPA. To achieve this, partners to the Agreement commit to the following mission statement:

“Protect, preserve, and improve Washington's air quality to safeguard public health and the environment, and support high quality of life for current and future generations.”

This Agreement describes the actions and activities the partners will perform to achieve this mission. The partners commit to:

- Prevent and reduce air pollution, which includes compliance with all air quality laws and regulations.
- Reduce emissions of high priority air pollutants, especially fine particles (PM_{2.5}), ozone precursors, and air toxics.
- Prevent violations of federal air quality standards.
- Increase efficiencies and reduce transaction costs in air quality program administration and implementation.

²⁰ While not a grantee under the PPA/PPG, Ecology, local air quality agencies, and the EPA work with Tribes on several fronts, including through the Northwest Air Quality Communicators, smoke management efforts, and PM reduction efforts.

The Agreement includes outputs and ongoing activities paid for with a combination of state and federal dollars. It does not cover many Ecology and local air quality agency activities funded by state and local sources.

Reductions in state budgets or federal 103 or 105 grant funds would likely impair the ability of Ecology and local air quality agencies to conduct their core work and fully meet their obligations under this Agreement. The amount of federal grant funds expected in this biennium is also uncertain. Some of the outputs and ongoing activities may be decreased to reflect the final state budget, actual tax revenues received throughout the biennium, and federal budget.

Review process

The partners agree to meet as needed to maintain open communication. Washington Air Quality Managers Group meetings provide opportunities for dialogue, since all the partners participate in this group. Other inter-agency groups such as the Northwest Air Quality Communicators, Washington air permit writers, and Washington Air Quality Compliance Forum may also be helpful in promoting clear, open communication.

EPA strategic plan alignment

The outcomes and objectives of this section correlate directly with the EPA's 2018-2022 Strategic Plan under Goal 1, Objective #1.1, Improve Air Quality: "Work with states and tribes to accurately measure air quality and ensure that more Americans are living and working in areas that meet high air quality standards."

Reduce criteria pollutants and regional haze

Objective

The objective is to meet air quality standards that protect public health and welfare. As part of this objective, emissions and ambient concentrations of criteria pollutants would decrease. The number of exceedances of ambient air quality standards would also decrease. We will also make progress to support the EPA's strategic plan goal, that "By September 30, 2022, reduce the number of nonattainment areas to 101."

During periods of poor air quality, Ecology and/or local air quality agencies (in their respective areas) will notify the public and sensitive groups about the health effects of poor air quality, and how wood burning and other choices affect air quality and health. This includes education about how individual behaviors affect air quality and health.

Outcome Measures

1. Number of times PM_{2.5} or ozone exceeds healthy levels.
2. Number of residents exposed to pollution measurements above federal standards.
3. Number of non-attainment areas.

Visibility has improved in scenic parks and wilderness areas on the 20 percent worst visibility days, as compared to during the 2000 – 2004 baseline.

Outputs

1. Ecology will coordinate with local air quality agencies, the EPA, and tribes to ensure compliance with all National Ambient Air Quality Standards (NAAQS).
2. Ecology, the EPA, and the local air quality agencies will coordinate on designation recommendations and related nonattainment planning.
3. Ecology and the local air quality agencies will submit to the EPA New Source Review (NSR) rules that are federally approvable and consistent with federal rules and guidance.
 - a. Ecology will maintain an up to date NSR (both major and minor NSR) program including any necessary rule updates in the State Implementation Plan (SIP).
 - b. Ecology, the EPA, and the local air quality agencies will continue to make progress in updating the SIP to reflect local air quality agency rules and jurisdiction.
4. Ecology will submit “infrastructure” SIP certifications for National Ambient Air Quality Standards (NAAQS) as required by sections 110(a)(1) and (2) of the Clean Air Act, including the 2010 sulfur dioxide and 2015 ozone NAAQS revisions and any future NAAQS revisions.
5. Ecology will submit a SIP addressing the “transport” element section 110(a)(2)(d) of the Act for any future NAAQS revisions.
6. Ecology will develop the regional haze SIP for the second implementation period (2018-2028) due July 31, 2021.
7. Ecology, the EPA, and the local air quality agencies will coordinate to expeditiously and efficiently address ongoing Clean Air Act (CAA) requirements such as CAA 175A (2nd 10-year maintenance plans) and CAA 110(l) plan revisions to maintain a modern, effective, and legally defensible air program reflected in the SIP.
8. Ecology, the EPA, the local air agencies and the Washington State Department of Natural Resources will coordinate on Smoke Management, including possible updates to the Washington Smoke Management Plan.
9. Ecology will submit a vehicle inspection and maintenance (I/M) report by July of each year. Ecology will need to submit a report in 2019 with 2018 data, and they will need to submit a report in 2020 with 2019 data. After that, they can discontinue submitting reports due to no implementation to report.
10. Ecology will submit a SIP revision(s) to address the Start-up Shutdown and Maintenance SIP Call for Ecology, SWCAA, and EFSEC.

Ongoing Activities

1. Ecology and the local air quality agencies will seek state and federal funds to address wood stove use in communities where PM_{2.5} levels from wood smoke are high.
2. About six months before the EPA must review the SIPs, Ecology in cooperation with local air quality agencies will develop initial SIP Development Plans for significant SIP submittals.²¹ The SIP Development Plan will include schedules negotiated with the EPA. The EPA will review and comment on draft SIP revisions prior to the public comment period.
3. Ecology, the EPA, and local air quality agencies will discuss any new PM_{2.5}, sulfur dioxide, or ozone violations and any possible designation recommendations.
4. The EPA, Ecology, and affected local air quality agencies will communicate about the status of pending SIP submittals when applicable. They will also coordinate on prioritizing SIP review and approvals. The EPA will share or update SIP workload status. Ecology will inform the EPA of any new SIP submittals in a timely manner.
5. Ecology and the local air quality agencies will work with the EPA to identify exceptional events with potential regulatory significance in accordance with the Exceptional Event rule, will use appropriate flag codes, and will coordinate with the EPA on preparing documentation in accordance with the Exceptional Events rule and guidance documents.
6. With the EPA's support, Ecology and local air quality agencies will:
 - a. Implement wood stove burn ban programs.
 - b. Advise the public when air quality is poor.
7. Ecology and local air quality agencies will:
 - a. Manage their own permit programs.
 - b. Provide public information and education.
 - c. Oversee air quality advisory systems for outdoor burning.
 - d. Update and revise rules as needed for effective air quality programs.
 - e. Submit timely SIP revisions to the EPA.

²¹ For less significant or less time critical SIP submissions, Ecology and the EPA have successfully used the bi-weekly staff call in lieu of a formal SIP Development Plan.

8. The EPA will:
 - a. Serve as regional smoke coordinator by working with other Northwest states and tribes to improve smoke management coordination and tools.
 - b. Host at least one meeting per year on smoke management issues.
9. Ecology and the local air quality agencies will update their rules as needed to maintain effective air quality programs and submit timely SIP revisions to the EPA. Ecology will have the Attorney General's Office review Ecology rules for SIP submittals.
10. With Ecology and EPA assistance, local air quality agencies will review local regulations to be included in the SIP.

Reporting

Ecology and local air quality agencies that submit data directly to EPA will submit criteria pollutant emissions data to EPA according to the federal air emissions reporting rule. To facilitate compilation of a complete statewide inventory at Ecology, local air quality agencies submitting directly to EPA are requested to also send the information to Ecology in XML or MS Access Emission Inventory System staging table format.

Air toxics

Objectives

To characterize the health consequences of toxic air pollution in Washington, Ecology will collect and compile data about toxic air pollutants including health effects, and sources of toxic air pollutant emissions. The data will be used to:

- Reduce the emissions, exposure, and/or health risks, focusing on sources or areas that have the greatest health risk.
- Focus emission reduction strategies on smoke and diesel soot to provide the greatest health benefits.
- Better characterize industrial emissions by more efficient permit processes and improved partnerships with businesses.

As part of this objective, emissions of toxic air pollutants would decrease over time. The percentage of Washington residents at risk from toxic air pollutants would also decline.

Outcome Measures

1. Tons of diesel exhaust emitted statewide.
2. Number of diesel engines retrofitted with air pollution control equipment.
3. Number of woodstoves changed out.
4. Emission levels of toxic air pollutants shown in the National Emission Inventory (NEI). (This can be handled with our NEI report.)

Outputs

1. Ecology will review EPA's 2014 National Emission Inventory (NEI) and begin preparation of the 2017 NEI. Ecology will augment the NEI with state-calculated criteria and toxics inventories for significant emissions sources where state data can improve the EPA estimates. The point source inventory will include available air toxics data submitted to the state by local air quality agencies. Ecology's work on the 2017 NEI will be completed by the end of 2019.
2. Toxics emissions submitted by facilities tracked in Ecology's point source database, Washington Emissions Inventory Reporting System (WEIRS), will be provided to the EPA for the annual NEI. WEIRS contains emissions from major sources in Washington, except those under the jurisdiction of the Olympic Region Clean Air Agency, Puget Sound Clean Air Agency, and Southwest Clean Air Agency.

Ongoing Activities

1. Ecology, in partnership with the local air quality agencies, will:
 - a. Seek state and federal funds to develop and implement diesel reduction projects through the West Coast Diesel Collaborative or other sources.
 - b. Operate monitoring stations and evaluate field and analytic data to assure quality as outlined in the Technical Assistance Document.
 - c. Collect toxics monitoring data where fully funded by the EPA.
 - d. Submit available point source toxics emission inventory data each year.
 - e. Review available National Emissions Inventory (NEI) data.
2. The EPA will provide:
 - a. NEI data.
 - b. Guidance about national air toxic policies and programs.
 - c. Background information and outreach from National Air Toxics Assessment and other state's and national programs.

Reporting

1. For major and synthetic minor sources, the local air quality agencies, Ecology and the EPA will enter 40 C.F.R. Parts 60, 61, 62 and 63 sources into the Integrated Compliance Information System (ICIS)-Air. Local air quality agencies will also report the Minimum Data Reporting (MDR) elements.

2. Ecology will:
 - a. Annually submit point source emission reports to the EPA for the NEI.
 - b. Do an initial submission of 2017 point, mobile, and nonpoint inventories to the EPA for the NEI by December 31, 2018.
 - c. Request local air quality agency reporting of toxic air pollutants and submit data received to the EPA.
3. Local air quality agencies submitting inventory data directly to the EPA will:
 - a. Submit annual point source emission reports to the EPA for the NEI.
 - b. Submit the same data to Ecology to facilitate Ecology's effort to compile a complete statewide inventory.

Permitting and program delegation

Objective

Reduce, limit, and manage emissions through effective and efficient air quality permitting programs. This objective describes how Ecology and local air quality agencies will control and track emissions from industrial sources.

Outcome Measures

1. Average number of days it takes to process Notice of Construction permit applications.
2. Percentage of Title V permits that have been administratively extended past the expiration date.
 - a. As appropriate for each agency, Ecology and local air quality agencies will update regulations and delegations/approvals to reflect new or revised rules under 40 C.F.R. Parts 51, 60, 61, 62, 63, 64 and 70.
 - b. Ecology will maintain an up-to-date Prevention of Significant Deterioration (PSD) program. The EPA will work expeditiously with Ecology on revising the SIP and approving Title V program updates as needed. Ecology will promote training and discussion with local permitting agencies to help ensure permit writers understand applicability of Major New Source Review.
3. Ecology will continue to:
 - a. Develop WEIRS, a web-based emission inventory system to track "allowable" emissions data as well as "actual" emissions data (this system will be used to collect and track available allowable emissions data from Ecology and local air quality agency permittees);

- b. Communicate to permittees and local air quality agencies about the value of allowable emissions data, specifically by requiring PSD applicants to use allowables in their air quality impact modeling; and communicate to the PSD consulting community that it is the source's responsibility to compile an allowable inventory for impact modeling (although Ecology and local air quality agencies will assist if requested).

Ongoing Activities

Ecology and local air quality agencies will:

1. Administer the following air quality permitting programs for commercial and industrial sources:
 - a. Preconstruction permits for new major sources or major modifications (PSD, NAA-NSR)
 - b. Rules under 40 C.F.R. Parts 60, 61, 62, and 63 adopted by the state along with any additional rules under these Parts adopted by local air quality agencies
 - c. Air Operating Permits (AOP) for existing and new sources
2. Use the EPA approved models and methodologies, in accordance with 40 C.F.R. Part 51 Appendix W, for air quality analysis for commercial and industrial source permits, or seek the EPA approval of alternative models or methods when applicable.
3. Ecology will, for PSD permits, conduct Best Available Control Technology (BACT) evaluations in a manner consistent with the EPA's top-down, five-step procedure.
4. Ecology and the local air quality agencies will consider relevant EPA guidance and interpretations when determining the applicability of PSD and NNSR.
5. Ecology and the local air quality agencies will implement SIP pre-construction permitting (PSD, NNSR, and minor permits) as specified in the approved SIP and in state regulations.
6. As resources and scheduling allow, the EPA will co-host an in-person workshop with Ecology and the local air quality agencies on implementation of the NSR program.
7. The EPA and Ecology will communicate with each other about permitting issues openly, directly, and in a timely manner.
8. Ecology will:
 - a. Send to the EPA each major NSR permit application upon receipt.
 - b. Notify the EPA when a major NSR permit application has been determined to be incomplete or complete.

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- c. Informally communicate draft major NSR permits and supporting information to the EPA at the beginning of each public review period.
 - d. Communicate with the EPA on modeling at the initiation of any major NSR permit project.
 - e. The EPA will arrange a discussion with Ecology upon completion of draft permit reviews with the intent of informally providing input to Ecology.
 - f. Ecology will provide the EPA with NSR applicability determinations.
 - g. Ecology and the EPA will engage in periodic discussions about policy and program implementation.
9. Ecology and local air quality agencies will:
- a. Send to the EPA each Title V permit application upon receipt.
 - b. Send to the EPA each draft Title V permit and supporting information at the beginning of each public comment period.
 - c. Send to the EPA each proposed Title V permit and supporting information as required in 40 C.F.R. Part 70.
 - d. Send to the EPA each final Title V permit and supporting information soon after issuance.

Reporting

Ecology and local air quality agencies will:

1. Report AOP activity using the Permit Register.
2. Post Best Available Control Technology (BACT) / Lowest Achievable Emission Reduction (LAER) determinations to the clearinghouse within three months of issuing the final permit (for major actions). Specify (a) the date the application was determined to be complete, and (b) the date the final permit was issued.
3. Submit major point source emissions data to the NEI within 12 months of the end of the calendar year.
4. Submit semi-annual Title V Operating Permit System (TOPS) reports consistent with the EPA's deadline.

Compliance assurance

Objective

Maintain an effective compliance assurance program that protects human health and the environment by preventing and reducing air pollution. Carry out a balanced program that includes compliance assistance, compliance monitoring, appropriate enforcement, and follow-up to ensure return to compliance.

Outcome Measures

To assess the performance of compliance and enforcement programs, the EPA uses the:

- Quadrennial SRF review.
- Annual data metrics analyses
- Quarterly High Priority Violations (HPV) calls,
- Annual meeting discussions.
- Other EPA oversight efforts.

Outputs

1. The EPA, Ecology, and the local air quality agencies have determined that we should terminate the 2003 Compliance Assurance Agreement (2003 CAA), and draft a new Compliance Assurance Agreement in 2019.
2. Ecology, the EPA, and local air quality agencies will follow:
 - a. The national “Minimum Data Requirements (MDRs) for CAA Stationary Sources Compliance,” January 2012.
 - b. The national “Clean Air Act Stationary Source Compliance Monitoring Strategy (CMS),” July 2014.
 - c. The national HPV policy, “Timely and Appropriate Enforcement Response to High Priority Violations,” August 2014.
 - d. The national “Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources,” September 2014 (FRV policy).
3. As part of the annual collaborative planning meetings (and the quarterly HPV calls, when needed), the EPA, Ecology, and local air quality agencies will review and discuss compliance and enforcement programs for federally-delegated programs, including key activities, emerging issues, and program needs. The EPA, Ecology and the local air quality agencies will also connect as necessary in the permit writer’s forums and compliance forums.

Ongoing Activities

1. Ecology and local air quality agencies will conduct compliance programs according to the 2014 national Compliance Monitoring Strategy for those sources and activities to which the Strategy applies.
2. Agencies will resolve high priority violations according to the EPA's 2014 "Timely and Appropriate Enforcement Response Guidance for HPVs." Ecology, local air quality agencies, and the EPA will hold quarterly conference calls to discuss:
 - a. HPVs.
 - b. Policy and strategy issues.
3. The EPA will conduct compliance monitoring and enforcement on tribal lands.
4. For programs which are not delegated to the state or local air quality agency, the EPA has sole authority for:
 - a. Complaint response.
 - b. Inspections.
 - c. Priority enforcement actions.
 - d. Other activities statewide
5. The EPA retains authority to conduct inspections and enforcement actions under the Clean Air Act and will use this authority for national and regional priority work and as requested by state and local air quality agencies. Both parties adhere to a "no-surprises" policy for compliance activities and enforcement actions. If the EPA inspects a facility to determine compliance with a non-delegated program requirement, and the facility is one that the state or local agency regularly inspects for delegated program purposes, the EPA will notify the state or local agency before the EPA takes an action. The EPA will also provide advance notice of the EPA's enforcement for delegated or approved programs.
6. Ecology and the local air quality agencies will continue to participate in the State Review Framework (SRF). Ecology and the local air quality agencies will work with the EPA to implement recommendations and address areas that need attention as identified in the 2017 SRF review and report.
7. Ecology and the local air quality agencies will participate in the annual enforcement data verification process. Each fall the EPA headquarters will post the specific set of data verification metrics on the database, "Enforcement and Compliance History Online" (ECHO). Ecology and the local air quality agencies will ensure that any necessary data corrections are made in the program data systems.

Reporting

1. All agencies will meet timely and accurate reporting requirements contained in the national MDRs²², CMS²³, FRV²⁴, and HPV²⁵ policies.
2. Ecology and local air quality agencies will update their databases, as needed, and enter timely, accurate and complete ICIS-Air data.
3. The EPA will communicate to Ecology and affected local air quality agencies about the EPA's enforcement actions in a timely manner, and before actions are finalized.

Monitoring and assessment

Objective

To characterize the health consequences of air pollution in Washington, agencies will collect data that has the greatest benefit for public health, and increase the public understanding of the health effects and costs of pollution.

Outcome Measures

1. Air monitoring delegated by the EPA to Ecology and local air quality agencies meets all federal requirements. The monitoring will also provide enough information to:
 - a. Collect data that has the most relevance to public health.
 - b. Protect public health.
2. Air monitoring data meets the EPA requirements for data completeness at each monitor.

²² MDRs (FRVs are a subset of the MDRs): Minimum Data Requirements for CAA Stationary Sources Compliance, January 2012 <http://www2.epa.gov/compliance/guidance-minimum-data-requirements-mdrs-cao-stationary-sources-compliance>

²³ CMS Policy: Clean Air Act Stationary Source Compliance Monitoring Strategy, July 2014
<http://www2.epa.gov/compliance/clean-air-act-stationary-source-compliance-monitoring-strategy>

²⁴ FRV Policy: Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources, September 2014
<http://www2.epa.gov/compliance/guidance-federally-reportable-violations-stationary-air-sources>

²⁵ HPV Policy: Timely and Appropriate Enforcement Response to High Priority Violations, August 2014
<http://www2.epa.gov/enforcement/revised-timely-and-appropriate-t-and-enforcement-response-high-priority-violations-hpvs>

Outputs

1. Ecology works with local air quality agencies to complete and submit a review of the air-monitoring network to the EPA by July 1 of each year. The EPA will respond within 120 days of the submittal of the monitoring network plan.
2. Ecology certifies its prior calendar year of ambient air monitoring to the EPA by May 1 of each year.
3. Ecology, the EPA, and local air quality agencies will use listservs, e-mails and web pages to inform the public about air monitoring results.
4. Ecology, the EPA, and local air quality agencies will use data resources to support communication and understanding about identified air pollution problems.

Ongoing Activities

1. Ecology and local air quality agencies will operate the statewide National Air Monitoring Site network, according to 40 C.F.R. Part 58.
2. Ecology will:
 - a. Submit monitoring data to Air Quality System (AQS) within 90 days of the end of each quarter.
 - b. Provide a quality assurance program for ambient data as required by 40 C.F.R. Part 58, Appendix A.
 - c. Working with local air quality agencies, collect data and prepare emission inventory and air monitoring databases to support air quality modeling.
3. The EPA will:
 - a. Review and approve an annual monitoring network review within 120 days of Ecology's submittal.
 - b. Provide annual quality assurance audits as required by 40 C.F.R. Part 58, Appendix A.

Reporting

Ecology will:

1. Submit AQS data to the EPA within 90 days of the end of each quarter.
2. Write and submit quarterly Quality Assurance (QA) reports to the EPA.
3. Notify the EPA by email as soon as it is evident that any ambient air standards have been exceeded within the Washington State monitoring network.
4. Provide ambient data to the EPA upon request.

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Chapter 8 - Hazardous Waste

Introduction

Ecology implements the EPA-authorized Hazardous Waste Program pursuant to the federal Resource Conservation and Recovery Act (RCRA), as amended. The RCRA program is administered through the Washington State Dangerous Waste Regulations, Chapter 173-303 WAC.²⁶

This chapter of the Agreement addresses RCRA implementation in Washington State. General procedures for assuring compliance, conducting corrective action and permitting, along with additional details on how the EPA and Ecology manage RCRA authorization and activities in Washington State are included.

Questions about this work can be directed to:

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Assuring compliance

Ecology strives to assure that generators, transporters, and facilities that treat, store, or dispose of hazardous waste do so properly. This includes minimizing the risk of releases of hazardous wastes to the air, water, and land. Ecology does this by assuring compliance with state and federal rules and encouraging waste minimization practices. Ecology's RCRA permitting work follows the procedures of the federal laws as specified in 40 C.F.R. § 270.3, when those laws are applicable.

Ecology and the EPA recognize the following RCRA activities will be carried out in a manner consistent with and mindful of advancing environmental justice and the protection of children's health. More information is available about these overarching priorities as they apply to this Agreement (See Chapter 4).

²⁶ <http://app.leg.wa.gov/WAC/default.aspx?cite=173-303>

Ecology's Resource Conservation and Recovery Act activities

Administratively, three of Ecology's organizational units work on RCRA activities as one authorized hazardous waste program:

- Hazardous Waste and Toxics Reduction Program (HWTR)²⁷: The HWTR program is responsible for implementation of most of the RCRA-based activities in the state.
- Industrial Section,²⁸ within the Solid Waste Management Program²⁹: The Industrial section has specific RCRA responsibilities for:
 - Refineries
 - Pulp and paper mills
 - Aluminum smelters
 - Other specific large industrial sites
- Nuclear Waste Program (NWP)³⁰: The NWP has specific RCRA responsibilities at Hanford and four other facilities that manage dangerous and/or mixed (radioactive and hazardous) waste:
 - Framatome
 - Perma-Fix Northwest
 - Puget Sound Naval Shipyard
 - Energy Northwest's Columbia Generating Station

EPA's Resource Conservation and Recovery Act activities

The EPA Region 10 RCRA Program is managed by the Land, Chemicals, and Redevelopment Division and the Enforcement and Compliance Division.

The EPA is responsible for performing oversight of state corrective action, permitting, and compliance and enforcement activities. The EPA also conducts in-depth reviews of state programs, such as the State Review Framework, which is an evaluation of the compliance and enforcement program. While no specialized reviews are currently planned for the term of this Agreement, the EPA will continue to follow-up and address issues from previous reviews.

²⁷ <https://ecology.wa.gov/Waste-Toxics>

²⁸ <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Industrial-facilities-permits>

²⁹ <https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Solid-Waste-Management>

³⁰ www.ecy.wa.gov/programs/nwp/index.html

Evaluating activity commitments and levels of effort

Ecology's commitments and levels of effort for the two-year period of this Agreement are laid out in the RCRA Work Plan, addressed later in this chapter. Both agencies will review the progress on the activities as part of each RCRA Managers Quarterly meeting. The RCRA Work Plan may be adjusted as needed by mutual agreement with the adjustments documented in writing.

Ecology and the EPA will review this Agreement's commitments and progress at its midpoint. This midpoint review will start in the spring of 2020 culminating with a revised RCRA Work Plan that will become effective July 2020 for the second half of the Agreement. The RCRA Managers Quarterly meetings will be the primary venue to track this review.

Nothing limits the EPA's ability to otherwise review decisions made by Ecology, including those subject to review under the *Resource Conservation and Recovery Act - Hazardous Waste Program Memorandum of Agreement* (RCRA MOA), signed in January 2017 between Ecology and the EPA Region 10.

Resource Conservation and Recovery Act priorities and goals

The EPA Strategic Plan³¹ for federal fiscal years 2018 -2022 established goals for strategic planning and budgeting. The EPA's national goals and objectives that pertain to the hazardous waste program are outlined below.

- Objective 1.3: Revitalize Land and Prevent Contamination establishes a strategic measure to make additional RCRA corrective action facilities ready for anticipated use (RAU).
- Objective 2.1: Enhance Shared Accountability establishes goals to enhance compliance assurance tools in collaboration with the states.
- Objective 3.1: Compliance with the Law establishes timely enforcement goals and increased compliance rates.
- Objective 3.3: Prioritize Robust Science Refocus the EPA's robust research and scientific analysis to inform policy making
- Objective 3.4: Streamline and Modernize to issue permits more quickly and to modernize permitting and reporting systems.

To support the EPA's goals above and to meet state priorities, Ecology will work to achieve the following goals and priorities in federal fiscal years 2020-2021:

³¹ <https://www.epa.gov/planandbudget/strategicplan>

1. Minimize environmental threats caused by mismanagement of hazardous waste by implementing effective compliance assurance activities, including fair and firm enforcement.
2. Continue to improve the Dangerous Waste Regulations and maintain an authorized RCRA program.
3. Implement the State Solid and Hazardous Waste Plan³² (www.ecy.wa.gov/beyondwaste). This includes work to minimize or eliminate the use of toxic substances, the generation of toxic wastes, and meet its goals.³³
4. Accomplish timely permitting that ensures protective and compliant permitting, closure, post closure, and corrective action.
5. Improve internal and external access to meaningful, quality information for use in accomplishing RCRA and related work, including collecting information to measure progress and success.
6. Work with the EPA to minimize duplicative efforts and coordinate in advance to streamline the EPA's review and approval of state actions when necessary.

Collectively, both agencies will pursue the RCRA priorities and goals through:

- Environmental and Performance Indicators.
- Grant performance outputs.
- Fund allocation and maximizing employee effectiveness.
- Quarterly reviews, and implementation of the RCRA work plan.

Environmental and performance indicators

During the period of this Agreement, core performance measures corresponding to each of the following program elements will be used to assess the success of the RCRA program:

- Environmental compliance monitoring
- Corrective action
- Enforcement
- Pollution prevention and waste minimization activities
- Permitting

Data for these and other measures are available through the EPA's RCRAInfo system, the Toxics Release Inventory, and the EPA Enforcement and Compliance History Online (ECHO) database.

³² <https://ecology.wa.gov/Regulations-Permits/Plans-policies/Washington-state-waste-plan>

³³ <https://ecology.wa.gov/Regulations-Permits/Plans-policies/Washington-state-waste-plan/Progress-report>

The core measures that Ecology and the EPA will use for assessing performance are aligned with Ecology's goals and priorities noted above. They include:

- Adequacy of inspection coverage.
- Number and percent incidence of "environmental threats" (as defined by Ecology) observed through inspections, as well as the number of such threats resolved. Analysis will include data in the RCRAInfo database.
- Rates of Significant Non-Compliance, and percentage of Significant Non-Compliance facilities that return to compliance.
- Progress on the number and percentage of sites subject to RCRA corrective action that have (a) current human exposures under control and (b) migration of contaminated ground water under control, as measured in the RCRAInfo database by event codes CA725YE and CA750YE, respectively.
- Percent of high and medium priority facilities subject to corrective action where a final remedy has been constructed or an interim measure has been determined to be in place for the facility.
- Percent of high and medium priority facilities subject to corrective action and where migration of contaminated groundwater is determined to be under control that have a final remedy constructed and the site is determined to be ready for anticipated use (RAU).
- Percent of high and medium priority facilities subject to corrective action, where a determination has been made that no further corrective action is required at the facility or where corrective action is complete with or without controls in place.
- Number of enforcement actions taken and appropriateness to return facilities to compliance, as addressed through the EPA's Enforcement Response Policy (2003) and the State Review Framework (SRF) process, addressed in detail at the end of this chapter.
- Number and dollar amount of penalties assessed, also addressed in the SRF.
- Pounds of hazardous waste generated per facility, per year.
- Pounds of toxic chemicals released to air, land, and water per year, as measured by the Toxics Release Inventory.
- Number of facilities that require either an operating permit, permit lite, permit modification, or post closure permit, where there are approved controls in place, as measured in the RCRAInfo database. An additional core measure is the number of enforceable documents in lieu of a post-closure permit for facilities subject to post closure permitting obligations, as measured in the RCRAInfo database.

Grant related activities

For the purposes of the EPA monitoring the RCRA grant, Ecology will, in accordance with the RCRA Workplan and the Data Management Agreement:

1. Enter all appropriate RCRA information into the EPA's national RCRAInfo database in a timely manner.
2. Collect and process annual dangerous waste reports.
3. Collect and process notifications of dangerous waste activities and assign EPA/State ID numbers.
4. Conduct inspections at least sufficient to meet statutory mandates, the National Compliance Monitoring Strategy for RCRA and state priority hazardous waste inspections as specified in the RCRA Work Plan.
5. Conduct appropriate follow-up and enforcement activities to address violations.
6. Conduct technical assistance and compliance assistance visits.
7. Track RCRA closure, post closure, and corrective action work to meet RCRA Workplan commitments necessary for achieving the Government Performance and Results Act (GPRA) goals.
8. Conduct permitting work to meet the national GPRA permitting goals for RCRA.
9. Maintain RCRA authorization and coordinate with the EPA to revise and update regulations.
10. Further integrate environmental justice into core RCRA activities, including inspection planning, community outreach, permitting, and technical assistance activities.

Fund allocation and full-time employee summary

Ecology staff will work on Ecology's RCRA activities that are funded in part by this Agreement's RCRA grant (see Chapter 1). For the purposes of this Agreement, one full-time employee (1 full time equivalent or FTE) equals \$113,662 per year. Ecology's and the EPA's RCRA funding and staffing for this Agreement are based on:

- The total number of Ecology FTEs funded by the EPA RCRA grant under this Agreement is 21.30.
- At the time of the request for public comment, funding amounts have not yet been determined. In the previous Agreement, the first year total project amount was \$2,419,195 which consisted of \$ 1,812,905 (16.0 FTEs) federal money and \$606,290 (5.3 FTEs) required State matching funds. Second year amounts were similar..

Activities, review, FTEs, and the Resource Conservation and Recovery Act work plan

Activities in this Agreement apply to the EPA's RCRA grant to Ecology for state Fiscal Years 2020 and 2021, which begin July 1, 2019 and July 1, 2021, respectively. This Agreement expires June 30, 2021. During this period, Ecology and the EPA will review the RCRA activities and make necessary adjustments as described below.

Resource Conservation and Recovery Act work plan

Ecology's RCRA commitments are described in the RCRA Work Plan. The RCRA Work Plan is for the full period of this Agreement, noting that Ecology will update the Work Plan for the second half (state Fiscal Year 2021). The RCRA Work Plan includes commitments for the HWTR program, the NWP, and the Industrial section. The RCRA Work Plan will be mutually tracked during the Agreement. The RCRA Work Plan may be adjusted as needed by mutual agreement with the adjustments documented in writing.

Moving Washington beyond waste and toxics (Ecology)

Ecology is implementing the state's Solid and Hazardous Waste Plan as required by state law (RCW 70.105 and RCW 70.95). Ecology completed the 2015 update of the state plan: *Moving Washington Beyond Waste and Toxics*.³⁴

To move "beyond waste and toxics" is defined in the state plan's vision statement:

"We can transition to a society where waste is viewed as inefficient and where most wastes and toxic substances have been eliminated. This will contribute to economic, social, and environmental vitality."

Due to the Washington State Governor's Executive Orders on Sustainability (05-01)³⁵ and State Efficiency and Environmental Performance (18-01)³⁶ the plan is to achieve the goal of moving Washington beyond waste and toxics in 30 years. In the short-term, implementing the state plan should position Washington to effectively reduce waste and toxics through revised policies and programs. The state plan will help Washington provide better service to the public, businesses, and government, and facilitate efforts to protect the environment, human health, and the State's economic development.

The EPA will support Ecology's efforts in implementing the 2015 state plan as updated and will coordinate its efforts under its Sustainable Materials Management Program and other related EPA initiatives where appropriate.

³⁴ <https://fortress.wa.gov/ecy/publications/documents/1504019.pdf>

³⁵ http://www.governor.wa.gov/sites/default/files/exe_order/eo_05-01.pdf

³⁶ https://www.governor.wa.gov/sites/default/files/exe_order/18-01%20SEEP%20Executive%20Order%20%28tmp%29.pdf

Resource Conservation and Recovery Act authorization

Ecology will maintain an authorized program in compliance with federal requirements under Chapter 40 CFR Part 271.21.

Ecology will coordinate with the EPA during any RCRA-related state rule modification to ensure the state RCRA program is at least as stringent as the federal RCRA program. This is necessary to maintain state RCRA authorization. Ecology and the EPA will also work cooperatively throughout the development of Ecology's draft and final authorization revision application, which is anticipated during the period of this Agreement.

Resource Conservation and Recovery Act information management

Ecology will enter all appropriate RCRA data into the national RCRAInfo (hazardous waste) database. Each of the Ecology programs conducting RCRA work will be responsible for their respective data quality and data entry. Ecology's RCRA data and information management related activities include:

- Inspections and any resultant violations
- Enforcement actions, including penalty data
- Return to compliance information
- Financial assurance
- Permit milestones
- Closure and post-closure milestones
- Corrective action milestones
- Any other data necessary to track environmental and performance indicators in the RCRAInfo data system

Ecology and the EPA will continue to collaborate on the EPA's implementation of the national e-Manifest tracking system as needed during the period of this Agreement.

Ecology and the EPA's specific responsibilities and timelines for maintaining RCRA data are described in the RCRA Data Management Agreement.

Ecology will:

1. **Maintain procedures to assure data quality and timely data entry.** Inspection, compliance monitoring, and enforcement data will be entered/updated monthly in RCRAInfo. Within 30 days of the conclusion of a site visit, data will be entered in RCRAInfo, including at least the inspection type, date, and initial assessment whether or not compliance issues were observed. Additional compliance and enforcement data entry

will occur within 30 days of completion of inspection reports, issuance of enforcement actions, or finalization of other documentation.

2. **Review all other facility specific RCRAInfo data** (including permitting, closure, corrective action, and facility status) will be reviewed for accuracy and entered into RCRAInfo within two months of its collection. The data will also be reviewed and discussed as needed at the quarterly RCRA Managers meetings.
3. **Collect and process annual reports.** Ecology will provide information to the RCRAInfo database from Ecology's TurboWaste data system which supports all handler information. This information will be provided in accordance with the RCRA MOA and the RCRAInfo Data Agreement.
4. **Maintain Ecology's TurboWaste Application and participate in the Region 10 RCRAInfo Workgroup.** This involves supporting data sharing and compatibility with RCRAInfo as needed. Examples include receipt of annual dangerous waste reports and withdrawing EPA/State ID#'s when appropriate. It also includes translation of handler data from Ecology's TurboWaste system into RCRAInfo. Participation in the RCRAInfo Workgroup helps ensure collaboration and data quality between TurboWaste and RCRAInfo.
5. **Collect and process notifications of dangerous waste activity forms.** Forms will be collected and processed for all reporting Washington hazardous waste generator sites where Ecology has jurisdiction.
6. **Participate in national RCRAInfo Version 6 (V6) upgrade.** This involves participating and engaging in monthly national calls regarding implementation and updates to RCRAInfo V6.

The EPA will:

1. **Assist in maintaining the EPA's national RCRAInfo database**, keep data current, and participate in the RCRAInfo Workgroup. The EPA will be responsible for collecting and entering data regarding hazardous waste activity on Indian lands, including the Puyallup Reservation. However, Ecology is responsible for data on the Puyallup Reservation under the following conditions:
 - a. The site is within the Puyallup Reservation boundaries.
 - b. The property owner / operator is non-tribal.
 - c. The land is classified as non-trust or Fee land.

These sites were identified in the 1873 Survey Area of the Puyallup Reservation and the August 27, 1988 Settlement Agreement.

1. **Maintain and provide Ecology access to RCRAInfo.** The EPA will maintain the RCRAInfo report system and allow Ecology staff access via the internet.

2. **Provide RCRAInfo training.** This includes guidance and support for changes or new features to RCRAInfo.
3. **Refer assignment of EPA/State ID numbers to Ecology.** Ecology will assign all EPA/State ID numbers except for those on non-Puyallup Tribal Indian lands. This includes the assignment of EPA/State ID numbers for Superfund sites and the EPA spill sites.
4. **The EPA will be responsible for extracting and using the RCRAInfo data to report to the EPA headquarters.**

Compliance assurance

Ecology will conduct at least the number of facility inspections committed to in the *RCRA Work Plan*. Ecology will complete inspection reports within 150 days. Sites in Significant Non-Compliance in accordance with the EPA Civil Enforcement Response Policy will have the date of SNC determination entered in RCRAInfo, in addition to the standard evaluation data. Inspections that characterize sites as Secondary Violators in accordance with the EPA Civil Enforcement Response Policy and sites where no violations were found will have those inspections recorded in RCRAInfo with appropriate evaluation data.

If Ecology decides not to conduct a federally mandated inspection identified in the RCRA Work Plan, Ecology will immediately notify the EPA in writing along with justification for this decision. Ecology and the EPA have agreed that TSDs not identified as “operating” and not actively treating, storing, or disposing of hazardous waste will not be inspected on an every-other-year basis.

Ecology addresses violations and compliance issues in a manner consistent with the Compliance Section of the RCRA MOA. In its penalty calculations, Ecology captures economic benefits that businesses accrued through non-compliance, as guided by the EPA’s “BEN” computer model and by other means. Data, including significant non-compliance, will be entered into RCRAInfo within 30 days of the determination of the non-compliant status, and reviewed for quality assurance monthly.

The EPA will coordinate with Ecology on compliance issues, inspections, and enforcement actions that the EPA will lead in Washington. The EPA will implement compliance activities in Indian Country in coordination with the various tribal governments and Ecology. The EPA will notify Ecology of this activity in advance when possible. To the extent possible, the EPA will also share updates, copies, and/or summaries of findings that result from inspections they lead in Washington.

Corrective action

Ecology and the EPA are working toward meeting the goals set by the federal Government Performance and Results Act (GPRA). GPRA establishes goals for the corrective action program using the EPA's "2020 Corrective Action Baseline," which includes:

- Facilities on the EPA's 2008 corrective action baseline.
- Other facilities that Ecology and the EPA agree are appropriate to address under corrective action.

Nationwide goal for 2020

The EPA's 2020 Corrective Action Baseline includes high, medium, and low priority facilities. The EPA's nationwide goal for the 2020 Corrective Action Baseline is to have final cleanup remedies constructed by 2020 at 95 percent of the facilities on this baseline list.

Ecology's specific commitments for federal fiscal years 2020-2021 are identified in the RCRA Work Plan. Ecology's corrective action work contributes toward achievement of the nationwide goals established in the EPA's strategic plans and EPA Region 10's specific commitments.

Under the corrective action program, the EPA has the current measures:

- Human Exposures Under Control (CA725)
- Migration of Contaminated Groundwater Under Control (CA750)
- Remedy Construction Complete (CA550)
- Cleanup Complete (CA900 or CA990)
- Ready for Anticipated Use (RAU)

The EPA Region 10's commitments for these measures and nationwide goals are made each year after consultation with Ecology and other authorized Region 10 states. Ecology's RCRA Work Plan will address the specific sites, which will assist the EPA in meeting these commitments and goals.

Washington's Model Toxics Control Act (MTCA, the state's cleanup authority) will be used to satisfy corrective action requirements, including issuance of enforcement orders. A short permit shell (a framework permit or "Permit Lite") will be issued that incorporates by reference the MTCA enforcement order as a permit condition. This process eliminates duplication of work and allows the use of the MTCA process, which is generally faster than RCRA corrective action. It may also be more stringent and is familiar to the business community in Washington. A list of permits that both agencies will work on during this Agreement will be included in the RCRA Work Plan. Data for milestones achieved will be entered into RCRAInfo.

Quarterly and annual updates

Ecology will maintain and regularly update RCRAInfo with respect to the corrective action work described above. In addition to the RCRAInfo updates, Ecology and EPA will continue to work together on ways to stay better informed of corrective action progress. This could include updates on their RCRA Workplan progress at the RCRA Managers Quarterly meetings as well as more in-depth discussions on site status.

In August of each year, Ecology will make any necessary changes to the "Documentation of Environmental Indicator Determination" forms. Aside from the RCRA Managers Quarterly meetings and the annual updates, the EPA has agreed to work to minimize the impacts of these data requests upon Ecology.

Permitting and closure work commitments

Ecology and the EPA will strive to meet the EPA's national baseline for Treatment, Storage, and Disposal (TSD) facility permitting. The goal for permitting during federal fiscal years 2020-2021 is for 100 percent of the hazardous waste management facilities to have controls in place to prevent toxic releases to air, soil, surface water, and groundwater.

The EPA also sets nationwide goals for issuing permit renewals within its Strategic Plan. Ecology permit renewal achievements form a portion of the EPA Region 10's contribution towards accomplishment of the national goals. To this end, Ecology will invest the designated level of effort to ensure environmental protection at TSD facilities. Ecology will negotiate site-specific priorities, tools, and expectations with the EPA. These negotiations will be conducted at the RCRA Managers Quarterly meetings and facility-specific discussions.

Ecology and the EPA will continue to use a streamlined permitting process for RCRA corrective action facilities with no operating RCRA/dangerous waste management units. Specific duties and responsibilities of Ecology and the EPA for permitting and work sharing will be determined through annual program planning for both agencies, which may include the RCRA Work Plan, and through the RCRA Managers Quarterly meetings, in accordance with the RCRA MOA.

Ecology intends to work on "Permit Lite" and accompanying MTCA enforcement order negotiations throughout this Agreement's period for facilities named in the RCRA Work Plan.

Ecology will work on re-issuing storage and treatment permits as specified in the RCRA Work Plan throughout the period of the Agreement, paying specific attention to those facilities whose permits have expired. Ecology will also maintain existing permits via modifications throughout this period.

A focus for dangerous waste permitting will continue to be issuing a new Hanford Facility Dangerous Waste Permit. The EPA has and will continue to provide oversight, technical, and programmatic support for permit re-issuance.

The NWP is currently working with the EPA and HWTR, specific to the Hanford RCRA permit re-issuance to:

- Require the Department of Energy to submit revised permit application information.
- Modify the 2012 draft permit to address substantive comments and issues.
- Prepare a revised draft permit that is scheduled for public comment in December 2022.
- Address public comments from the comment period.
- Issue the final permit.

Ecology will also continue to address the permit backlog to determine the appropriate next steps and move forward with the facility closure(s) or permit re-issuance action(s).

Technical assistance from Ecology

Ecology will provide technical assistance for compliance, waste minimization, and pollution prevention through:

- Site visits.
- Phone calls, emails, and video conferences.
- Outreach tools.

HWTR will assess outreach needs and use the tools appropriate for the audience. Outreach may include publications, web pages, videos, webinars, blog articles, social media, email distribution lists, mailers, or other materials.

Ecology implements RCRA compliance on the premise of greater compliance when technical assistance is available as a core element of the program.

Technical assistance from the EPA

The EPA will provide technical assistance to Ecology. This work will include technical and regulatory consultation.

The EPA's coordination

State review framework

The most recent review process was completed in 2017. Ecology worked with the EPA to implement recommendations and address areas that needed attention as identified in the final State Review Framework (SRF) report.

Ecology will participate in the annual national enforcement data verification process. Each fall, the EPA headquarters will post the specific set of data verification metrics on its "Enforcement

and Compliance History Online (ECHO)” database. To support ECHO data accuracy, Ecology will ensure that related data corrections are made in the RCRAInfo data system.

Program coordination

The EPA Region 10 State Coordinators do general program coordination. This work includes:

- Joint inspections
- Oversight work
- Program reviews
- Grant administration
- Planning
- Training
- Assuring open communication between Ecology and the EPA

Chapter 9 - Water Quality Program

Introduction

Ecology administers most of the federal Clean Water Act (CWA) based programs throughout Washington State. EPA's role is to:

- Oversee the implementation of State-authorized programs.
- Provide technical and analytical support for State-authorized programs.
- Directly implement non-authorized programs, in most cases with state assistance.

This Agreement reflects the mutual understandings between Ecology and EPA for program implementation and extent of oversight.

The objectives and activities listed in this Agreement cover many aspects of water quality protection in Washington State. However, the EPA grants only fund a subset of these activities.

One of the EPA's grants to Ecology is the Performance Partnership Grant (PPG) that is provided in accordance with Section 106 of the CWA. This Agreement will also serve as the work plan for PPG funds provided to Ecology. The specific activities in this work plan, funded by the PPG, are identified at the end of each numbered subsection below.

The total project amount for water quality projects and activities over the two-year period of the Agreement is still being finalized. Historically, the EPA water quality grant has funded 30 full time Ecology employees, including state match. This section will be updated with final numbers when they are available.

1. Nonpoint source pollution control

Ecology

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EPA

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Objectives

- Programs are designed to prevent nonpoint source pollution and habitat alteration, and protect water quality and human health.
- Programs are designed to clean up nonpoint source pollution.

- Programs are designed to restore aquatic habitats, and protect water quality and human health.

Financial assistance is provided to water quality partners and is targeted to the highest environmental needs.

Activities and measures

- 1A. Ecology will implement the Ecology actions identified in the 2015 Water Quality Management Plan to Control Nonpoint Source Pollution (also known as the Washington State Nonpoint Plan), depending on available funds. Ecology will submit an annual end-of-year report around April 1 of each calendar year. The EPA will use this report, along with other materials, as the basis for determining continued eligibility for future CWA Section 319 grants. (CWA §319(h)(8), EPA's Nonpoint Source Program and Grants Guidelines for States and Territories issued April 12, 2013).
- 1B. Ecology will submit a Washington State Nonpoint Plan update to the EPA by July 2020. Ecology will update Chapter 9: Goals and Strategies, and add an appendix with completed volumes of the Voluntary Clean Water Guidance. Ecology and the EPA will work together on identifying any other areas of the Washington State Nonpoint Plan that should be updated during this cycle.
- 1C. Ecology and EPA will submit and award the CWA Section 319 grant on a biennial basis rather than an annual basis. For the years in which Ecology applies for the grant, Ecology will submit a grant proposal no later than March 31 and the EPA will process the grant and provide funding no later than July 1 of that same year.
- 1D. Ecology will submit semi-annual CWA Section 319 grant progress reports by August 31 and March 1 of each year, which cover the previous half of the state fiscal year.
- 1E. EPA will continue to track the progress and decisions of the Forest Practices Board committees and workgroups, particularly the Timber, Fish and Wildlife Policy Committee and the Cooperative Monitoring, Evaluation and Research Committee. Ecology and the EPA will continue to work with Washington State Department of Natural Resources and other agencies to ensure forest practices rules are implemented to comply with the habitat conservation plan, state water quality standards, and the Clean Water Act. EPA will provide assistance where feasible to assist Ecology and the Adaptive Management Program to achieve this objective.
- 1F. Ecology will enter the data for all 319 projects, including load reduction estimates as applicable into the Grants Reporting and Tracking System (GRTS). Mandatory yearly load reduction data is due February 15 each year. Ecology will enter all other data for funded projects. Ecology will enter this data no later than April 1 each year. (EPA Program Activity Measure (PAM) WQ-9)
- 1G. Ecology will continue to work with the EPA to develop success stories. Ecology and EPA will meet at least once per year to discuss potential success stories and identify if past success stories need to be modified. The stories will show progress toward, or achievement of, water quality standards under the EPA PAM WQ-10 guidance, as a result of Nonpoint Source (NPS) implementation measures. The EPA will assist Ecology with entering success stories into GRTS.

- 1H. Ecology will coordinate with EPA on the implementation of the Washington State Nonpoint Plan. Key areas of focus include work on the voluntary Clean Water Guidance for Agriculture (guidance on best management practices), support for the nonpoint compliance work of inspectors and other regional staff (complaint response, priority watershed clean-up projects and enforcement actions), and refinement of internal guidance on how we conduct nonpoint compliance work to improve consistency between regions. This work is funded by a combination of grants from EPA including Section 319 and NEP.
- 1I. The EPA will actively support Ecology as it implements its nonpoint strategy. The EPA will make sure their strategies in other areas such as the NEP program do not conflict with the nonpoint efforts and the Washington State's Nonpoint Plan to the extent practicable.
- 1J. Ecology and the EPA will work to review and update the remaining conditions of Washington's Coastal Nonpoint Source Control Program.
- 1K. Ecology will engage in EPA led NEP or Puget Sound Action Agenda efforts that interface with the State's Nonpoint Strategy and Nonpoint Plan. This includes being the Puget Sound Stormwater Strategic Initiative Lead and Watershed Lead Organization under the NEP program.
- 1L. The EPA will provide technical expertise to Ecology's process to develop voluntary Clean Water Guidance for Agriculture.

2. Point source pollution control

Ecology

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EPA

Jeff Kenknight (Compliance)

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Objectives

- All discharge permits are current, protect water quality, human health, and aquatic habitat; and include water conservation and pollution prevention measures.
- All discharges comply with permits, water quality standards, best management practices, and other requirements to protect Washington's waters.
- All discharge permits implement applicable Waste Load Allocations from EPA-approved Total Maximum Daily Loads.

- Water quality laws are firmly and fairly enforced to ensure compliance.
- Requirements and procedures are clear and predictable.
- The National Pollutant Discharge Elimination System (NPDES) program is implemented effectively and in accordance with the current Memorandum of Agreement and Compliance Assurance Agreement.

Activities and measures – Pretreatment

Ecology

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EPA

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- 2A. Ecology will conduct an audit of each delegated pretreatment program at least every five years and a pretreatment compliance inspection (PCI) or audit of each pretreatment Publicly Owned Treatment Works (POTW) at least every two years. If Ecology is unable to complete the required audits and inspections, then Ecology must provide a plan to EPA addressing issues preventing completion of the requirements. The plan will outline proactive steps and a schedule Ecology will follow the schedule to meet audit and inspection targets. Ecology must submit the plan by the end of each federal fiscal year for which Ecology has not fully met the requirements by October 31 with the report described in sections 2C and 2D.
- 2B. Ecology will forward copies of pretreatment compliance inspection and pretreatment audit reports (EPA Form 3560-3) for Pretreatment POTW as soon as they are completed to:

Michael Le
Regional Pretreatment Coordinator
EPA Region 10, NPDES Permits Unit (OW-130)
1200 Sixth Avenue
Seattle, WA 98101

Alternatively, Ecology may e-mail a link to where the document has been added to PARIS, or email a scanned copy of each report to Le.Michael@epa.gov.

- 2C. Ecology will evaluate compliance status of all approved programs for non-compliance and report the facility names and permit numbers of POTWs with approved pretreatment programs in non-compliance to the Region 10 Pretreatment Coordinator by October 31 each year. The report will cover the previous federal fiscal year.

- 2D. Ecology will report the facility names and permit numbers of Significant Industrial Users (SIUs) discharging to NPDES POTWs without approved pretreatment programs and Categorical Industrial Users discharging to non—NPDES POTWs; and will identify the SIUs of that universe that have been determined to be in significant noncompliance to the Region 10 Pretreatment Coordinator by October 31 each year. The report will cover the previous federal fiscal year (October 1 – September 30).
- 2E. Ecology will enter all data required under items 2A – 2D in to Ecology’s Permit and Reporting Information System (PARIS). Ecology will continue to work with the EPA to ensure the upload of pretreatment data from PARIS to ICIS-NPDES. Ecology staff will promptly correct any reporting errors brought to their attention. Both parties recognize sections 2A-2E relate to the State’s implementation of federal pretreatment program requirements, and information reported under sections 2A, 2B, and 2C does not include non-NPDES POTW pretreatment programs authorized only by state law and rules.

Activities and measures - Compliance and enforcement

Ecology

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- 2F. On an as needed basis, the EPA and Ecology program managers will communicate to provide updates and discuss inspection and enforcement targeting. As needed, additional topics will include priorities and goals, performance expectations, enforcement program improvements, roles and responsibilities, work sharing, and the avoidance of duplication of efforts.
- 2G. Ecology will continue its inspection program of major and minor facilities. Ecology will implement the Clean Water Compliance Monitoring Strategy (CMS) to ensure adequate coverage of regulated entities. The CWA CMS is part of an ongoing compliance monitoring strategy developed by the EPA to allow for more flexible use of resources for States in performing inspections. Ecology will use the Region 10 National Pollutant Discharge Elimination System (NPDES) Compliance Monitoring spreadsheet for its annual CMS plan/report to be submitted to EPA by December 31 of each year for the previous state fiscal year. This CMS submittal is both a planning document for activities planned for the upcoming year and a reporting document to report on what occurred the previous state fiscal year. EPA contact: Robert Grandinetti, email at grandinetti.robert@epa.gov. Ecology will ensure that each inspection report has a Quality Assurance review. This review could be done by a peer or a supervisor.
- 2H. Ecology will continue to work with the EPA to ensure the upload of data from PARIS to ICIS-NPDES. Any errors that occur are to be resolved in a timely manner.

- 2I. Ecology will continue to participate in the State Review Framework (SRF). The next SRF process is likely to occur in 2021.
- 2J. Significant noncompliance (SNC) reduction is a nationwide effort. EPA wishes to have the percentage of facilities in SNC drop dramatically. To that end, EPA and Ecology will perform ongoing work to decrease the percentage of facilities in SNC in Washington. This will include working on the PARIS/ICIS uploads.
- 2K. Ecology will participate in regular meetings with EPA to discuss progress on reducing actual SNC at NPDES permitted facilities
- 2L. Ecology will regularly evaluate compliance at permitted facilities and adequately respond to violations based upon the principles contained in the agency and program Compliance Assurance Manual.
- 2M. Rob Grandinetti will serve as an *ex officio* member of the Water Quality Program's Enforcement Workgroup, which meets quarterly.

Activities and measures – Permits

Ecology

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EPA

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- 2N. Ecology will maintain the overall NPDES facility backlog to no greater than 20 percent during this PPA period. Ecology will submit a draft "NPDES permitting plan" to the EPA by June 30 of each calendar year that covers the upcoming state fiscal year. The plan will list the permits that Ecology intends to issue, reissue, or modify. Ecology will report to the EPA once per quarter on issuance of permits and the NPDES backlog rate (PAMS WQ-18 and WQ-29). The data is available electronically through the PARIS/ICIS database link.

Ecology will provide the following documents as specified:

- Permit issuance plans (due June 1 for each state fiscal year; and,
 - Permit backlog (should be due March and Sept., semi-annual federal fiscal year). Ecology will consider developing a backlog report available through PARIS.
- 2O. The EPA will reduce the NPDES backlog of federal and tribal permits to 30 percent by June 2022. The EPA will share its NPDES permitting plan with Ecology by October 1 of each calendar year which covers the upcoming federal fiscal year. The plan will list the permits EPA intends to work on and will note which permits are designated "high priority," such as permits in areas covered by approved TMDLs or in Puget Sound priority watersheds.

Environmental Performance Partnership Agreement

- 2P. The EPA will attempt to review at least one Ecology permit per month, on average, subject to availability and the EPA's draft permit review selection process. The EPA reviews permits programmatically for consistency with state and federal rules and policies. The EPA reviews major permits, with emphasis on larger facilities and dischargers with potential to significantly impact the environment. The EPA also reviews permits as requested by Ecology. When possible, the EPA's review rotates among Ecology's regions. The EPA will not hold NPDES permits issued by Ecology to a higher standard than required by the CWA and federal regulations.
- 2Q. Ecology will improve permit and fact sheet shells and other tools through its Permit Writer's Workgroup. The EPA is a member of the Permit Writer's Workgroup and has the opportunity to comment on the changes Ecology proposes to the permitting process.
- 2R. Ecology will report to the EPA the status and completion of PQR action items semi-annually mid- and end-federal fiscal year (October and March) of each year until actions items are complete.
- 2S. Ecology and the EPA will review and update procedures for designating major NPDES facilities including both industrial and domestic wastewater facilities. The target date for completion of an updated major facilities list is September 30, 2020.
- 2T. The EPA will continue to work on its federal facility permit backlog.
- 2U. Permitting representatives from both the EPA and Ecology will meet on an annual basis for an NPDES planning session consistent with EPA's Clean Water Action Plan. This meeting will be separate from the water quality managers' meeting to discuss overall progress under the PPA (see item 8C). Participants will discuss NPDES goals, priorities, performance expectations, areas for program improvements as identified during program reviews, inspection and enforcement targets, roles and responsibilities, work sharing and the avoidance of duplicating efforts. The annual review will take place by October 31 and will be coordinated by EPA's NPDES Permitting Unit and Ecology's Program Development Section. The meeting may include participants from other EPA and/or Ecology programs as necessary to facilitate cross-program coordination and communication. Additional meetings may be needed to follow up on specific priorities, activities, and/or issues. Priorities, action items, and performance measures identified through this planning process may be reflected in future PPAs as appropriate.
- 2V. Ecology and EPA will coordinate their work for the timely review and processing of requests for state CWA 401 certification for NPDES permit under EPA's authority.

3. Water cleanup plans and standards

Ecology

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Objectives

- Water cleanup plans also known as Total Maximum Daily Loads are scheduled, completed, implemented, and their success is evaluated.
- Ecology will move straight to implementation in less complicated watersheds.
- Develop, maintain, and implement surface water quality standards that protect beneficial uses.
- Comprehensively assess water bodies in Washington to assign categories according to water quality, to meet Clean Water Act requirements in sections 303(d) and 305(b).

Activities and measures - Total Maximum Daily Loads

Ecology will report and track Total Maximum Daily Loads (TMDLs) completed and straight to implementation efforts that result in clean water, as well as those TMDLs and TMDL alternatives Ecology has identified as long-term priorities for EPA's measure WQ-27, These include:

- Central Regional Office's Mid Yakima River Basin Bacteria TMDL, Wide Hollow Creek Multiparameter TMDL and Moxee Drain Temperature TMDL Alternative (STI).
- Eastern Regional Office's Little Spokane DO/pH TMDL, Hangman Creek DO/pH TMDL Alternative, Alkali Flat Creek TMDL Alternative (STI), Spring Flat Creek TMDL Alternative (STI), and Almota and Little Almota Creek TMDL Alternative (STI).

- Northwest Regional Office's Padilla Bay Fecal Coliform TMDL, Sammamish River Temperature/DO TMDL Alternative, Soos Creek Temperature, DO, Aquatic Habitat TMDL, Pilchuck Temperature and DO TMDL, French Creek Temperature and DO TMDL Alternative, and the South Skagit Bay Watershed Protection Project.
- Bellingham Field Office's South Fork Nooksack Temperature TMDL, Drayton Harbor Tributaries Bacteria TMDL, and Whatcom Creek Bacteria TMDL.
- Southwest Regional Office's Lower White River pH TMDL, Burnt Bridge Creek Watershed Multiparameter TMDL Alternative, East Fork Lewis River Watershed Multiparameter TMDL Alternative, and Budd Inlet DO TMDL.
- The Puget Sound Nutrient Source Reduction Project TMDL Alternative out of the Watershed Management Section at Ecology Headquarters.

Ecology will report standardized status updates on our WQ-27 priority projects quarterly to the EPA (projects listed above). The status updates provided will be consistent with tracking key milestones in our water quality improvement projects within each region.

- 3B. Ecology will lead data entry of TMDL/TMDL Alternative information (Action data) into the EPA ATAINS database in order to utilize that information to populate our internal TMDL tracking database.
- 3C. Ecology and the EPA will meet once in the fall season to conduct workload planning and evaluation for the development and implementation of TMDLs. Ecology will provide the EPA with a list of the TMDLs that need to be completed for the upcoming year. Ecology will also prepare an annual TMDL progress reports for the previous year. The goal is to maintain an average pace of 53 TMDLs per year.

The EPA will provide Ecology with information on the EPA lead for TMDLs as well as TMDLs for federal facilities and tribal lands for the purposes of ongoing coordination. At this meeting, EPA will also provide Ecology with updates on key interpretations that change how the EPA has been reviewing and commenting on TMDLS. The goal is to keep Ecology abreast of changes at the EPA in the TMDL program and how TMDL submittals should be reviewed. Ecology will also report on the pace to produce TMDLs. The EPA and Ecology will coordinate on any TMDLs the EPA proposes to develop before the EPA begins work. At least twice per year, the EPA will give Ecology regular updates on their review and approval of TMDLs. The review will include information on each TMDL in process – both current status and expected next steps.

- 3D. Ecology will continue to monitor the progress of the Spokane River Regional Toxics Task Force (Task Force) as it implements the *2016 Comprehensive Plan to Reduce Polychlorinated Biphenyls (PCBs) in the Spokane River* (Comprehensive Plan), by providing recommendations and periodic status reports. Ecology has been a signatory to the Task Force since 2012, serving as a resource by providing professional, technical, and financial support. Ecology will continue in this role, which strategically addresses toxics issues and maximizes Ecology's ability to achieve water quality standards in the Spokane River. The comprehensive plan describes 28 categories of control actions grouped into five

implementation categories. When implemented, these actions will prevent, control, remove, or reduce toxic pollution.

Ecology will continue to support the Task Force as it implements the control actions identified in Categories A through D of the Comprehensive Plan. Ecology will also continue the preparation of periodic Measurable Progress evaluations to assess the success of the Task Force towards reducing PCBs in the Spokane River and towards achieving the applicable water quality criteria for PCBs.

- 3E. Where Washington is engaged in a TMDL that crosses jurisdictions; the EPA will provide the leadership for bringing those issues to resolution.
- 3F. The EPA will provide quarterly updates to Ecology on the status of the Pend Oreille Temperature TMDL. The EPA will also coordinate that status update with any Water Quality Standards changes that might impact the submitted TMDL.
- 3G. As a complementary effort to the Lower Duwamish Waterway Source Control Strategy, Ecology and EPA will continue to develop modelling tools to support a Pollutant Loading Assessment of toxics in the Green-Duwamish watershed, including the Lower Duwamish Waterway.
- 3H. Ecology will continue to move the Puget Sound Nutrient Source Reduction Project forward with the next phase of Salish Sea modeling and our stakeholder and tribal engagement through the Nutrient Forum. We will be incorporating public feedback on the next set of Salish Sea Model scenarios to improve our understanding of human nutrient sources and evaluate the marine water quality response to a variety of nutrient reduction options. We are scheduled for a two year modeling period from July 2019 – June 2021.

The Nutrient Forum Meetings will continue throughout the fall of 2019, continue to build our knowledge base of nutrient management solutions, and will identify the concerns, barriers, and opportunities for point and nonpoint nutrient reductions. Our intent for these next two years is to establish nutrient reduction targets for marine point sources and watersheds.

EPA will continue to provide expertise/evaluation of Puget Sound modeling work.

Activities and measures - Water quality standards

Ecology will make progress on developing a water quality standards guidance manual. This manual is intended to instruct agency staff working on CWA programs by providing, a documentation of the proper application of the WQ Standards within these programs including documentation of institutional knowledge, impact of legal decisions, and interpretation of commonly applied water quality standards language.

- 3J. Ecology will update the five-year water quality standards development plan through the triennial review that occurred in spring 2019. Ecology will work with the EPA to review the prioritization and dates of rule development timelines, including the appropriate placement in our work plan for updates to dissolved oxygen and fine sediment criteria, and other work consistent with the stipulated agreement on the NWEA lawsuit (NWEA v. EPA, No 2:14-cv-0196).

- 3K. The EPA will work with the National Marine Fisheries Service and U.S. Fish and Wildlife Services on Endangered Species Act (ESA) consultation for the compliance schedule provision WAC 173-201A-510(4)(a)(i) submitted by Ecology on August 1, 2016. The EPA will provide updates to Ecology on the progress during the regular monthly check-ins.
- 3L. Ecology will provide technical assistance to others in the development of use attainability analyses, variances, and other tools where a change in a standard appears appropriate. Ecology and the EPA will work together throughout the development of such water quality standard changes. The EPA will provide a timely response to use attainability analyses, variance submittals and other submittals from Ecology that require the EPA approval or review.
- 3M. The EPA will take the lead in coordinating a process to resolve conflicts created when different standards are adopted for shared waters (tribal and state jurisdictional boundaries). The EPA will coordinate with Ecology on pending agency decisions regarding tribal water quality standards in a timely manner, and will encourage the tribes reach out to state and local governments.
- 3N. Ecology and the EPA will continue to work together on addressing priority nutrient problems to reduce current loadings of nitrogen and phosphorus to surface waters through existing programs and state priorities.
- 3O. EPA and Ecology will regularly share information and meet on an as needed basis, at least once a year, to discuss the status of ongoing and future water quality standard projects.
- 3P. In July 2019, Ecology will complete an extensive project to develop Microsoft SQL Server tools to automate the technical assessment of data based on the policy revisions. These new automation tools will improve the ability to meet Clean Water Act timelines for submitting an integrated report every two years. Ecology will conduct public reviews of the combined 2014/2016 Integrated Report and submit the Candidate 303(d) list for EPA approval in 2020. The data considered in this assessment will include data available to Ecology with a field collection date in 2017 or earlier (PAM S03.2, EPA Nation Water Program federal fiscal year 2019 Guidance).
- 3Q. In April 2019, Ecology completed the submittal of the currently approve Integrated Report (IR) into the EPA ATAINS database. After tribal and public reviews of the next Washington State Water Quality Assessment, Ecology will submit the Candidate 303(d) list and the 305(b) listings to ATAINS for EPA Region 10 review and approval. Ecology will also update and maintain State's Water Quality Atlas and WQ Assessment Search web tools for tribal and public review. The public will be able to view the final IR results in either the state database or ATAINS. (PAM WQ-7, EPA National Water Program federal fiscal year 2009 Guidance)
- 3R. Ecology will reassess data from 2006 and newer in this next Assessment, due to the listing policy revisions completed in November 2018 and the automated assessment tools developed. We foresee a large number of changes to the current list of impaired waters due to the application of revised methodologies to previously assessed data. Ecology will include a tally and justification for Assessment Units that will moved from the IR Categories 4 or 5 (impaired waters) to other Categories. (PAMs SP-10 and SP-11)

- 3S. Ecology will continue to accept water quality monitoring data in its Environmental Information Management (EIM) database for use in the IR. Following EPA approval of the 2014/2016 IR, Ecology will issue a public call for data to complete the combined 2018/2020 IR. The data considered in the 2020 IR will include data available to Ecology with a field collection date in 2020 or earlier.

Stormwater (including CSOs and SSOs)

Ecology

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Objectives

- Provide best available science, information, and tools to local governments and industry to manage stormwater.
- Expedite stormwater project review and delivery.
- Provide a compliance pathway for businesses, industries, local governments and others to federal stormwater permit requirements.
- Implement a municipal stormwater permitting program for Phase I and Phase II that is consistent with federal permitting requirements and protects water quality and is consistent with other environmental programs such as Superfund and National Estuary Program Management Plans.
- All discharge permits implement applicable Waste Load Allocations from EPA-approved TMDLs

Activities and measures

- 4A. Ecology will continue to manage the Phase I and Phase II stormwater permit program. This includes construction, industrial and municipal stormwater permits.
- 4B. Ecology will continue to implement Ecology's combined sewer overflow (CSO) reduction regulation in all NPDES permits issued to facilities that operate a combined sewer system (CSS). Per Ecology's regulation, such permittees have approved CSO Reduction Plans in place. NPDES permits for CSS facilities include requirements for the submission of Annual CSO Reports and a CSO Reduction Plan Amendment at the end of each permit cycle.

Permits may also include a compliance schedule for the implementation of projects during the permit cycle. To comply with EPA's 1994 CSO Control Policy, Ecology will incorporate into NPDES permits the requirements to implement the Nine Minimum Controls (NMC), and Long Term Control Plan (LTCP) elements including:

- Public participation in the planning process.
- No feasible alternatives analysis for permits with authorized bypass language where appropriate.
- Post construction compliance monitoring as appropriate.

The EPA will recognize the similarities, differences and seniority of Ecology's combined sewer overflow (CSO) reduction regulation (issue date 1/27/87) as compared to EPA's 1994 CSO Control Policy (codified in the Wet Weather Water Quality Act of 2000). EPA and Ecology will work together to resolve differences so that permittees can securely implement CSO reduction projects to reach the level of control. EPA will perform some inspections of the CSO facilities in Washington.

- 4C. Ecology MS4 permit managers will continue to implement an audit/ inspection program plan for targeted MS4 facilities. Inspections will occur on a schedule per the Compliance Monitoring Schedule Ecology develops in Section 2G.
- 4D. Ecology will implement the industrial stormwater general permit by providing technical assistance and enforcement.

5. Groundwater and underground injection control

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Objectives

- Protect groundwater quality, beneficial uses and safe drinking water by ensuring that the groundwater quality standards are met. All groundwater in Washington State is classified and protected as a potential source of drinking water.
- Provide groundwater quality technical assistance to the public; local, state and federal government; as well as permitted facility operators and permit applicants.

Activities and measures – Groundwater – Base

Ecology has a comprehensive groundwater protection program and strategy whose goal is to protect Washington groundwater quality, beneficial uses, and safe drinking water by ensuring that the groundwater standards are met. This Program relies on:

- Designating all waters as a drinking water beneficial use.
- Developing protective groundwater standards.
- Developing source control programs.
- Implementing source control programs.
- Implementing groundwater protection through the State Waste Discharge program.
- Implementing the federal Underground Injection Control Program.
- Providing technical assistance and enforcement where needed.

This program consists of many staff spread across the program at headquarters and in the regions to develop and implement the program, including the following activities and measures.

- 5A. Ecology will develop and implement source control protection programs for land uses which generate pollution but are not addressed through a permit program. The land uses are Forestry, Agriculture, and unregulated stormwater. Ecology staff report on these activities in the nonpoint portion of the PPA.

- 5B. Ecology and the EPA will continue to provide a single point of contact to work with each agency and other stakeholders on the Yakima groundwater issue and will work to make sure their internal programs are coordinated so agencies and stakeholders get a coordinated message. Ecology Water Quality Program will work to implement activities to address the pollutant sources in the lower Yakima. The Lower Yakima Valley Ground Water Management Area (LYV-GWMA) is functioning with Yakima County acting as lead agency. The GWMA continues work to identify and quantify nitrate sources and establish a long-term nitrate monitoring program. A final Groundwater Management Program is expected in 2019.
- 5C. Ecology will implement groundwater protection efforts on an Ecology region basis through the Washington State Waste Discharge program designed to protect groundwater and provide assistance for other groundwater discharge projects. This includes issuing groundwater permits and managing those permits.
- 5D. Ecology will protect safe drinking water through continued work with the Washington Department of Health (DOH), including incorporating the results of source water assessments of drinking water systems into education, technical assistance and enforcement efforts as resources allow.
- 5E. Ecology will update the statewide guidance for Critical Aquifer Recharge Areas. This will be done in conjunction with Departments of Health and Commerce.
- 5F. Ecology will provide technical and educational services on local jurisdiction Critical Aquifer Recharge Area plans, ordinances, and Voluntary Stewardship Plans related to the protection of groundwater depending on needs and as resources allow.
- 5G. Ecology and the EPA will coordinate on EPA-funded projects that have the potential to impact state groundwater resources.

Activities and measures - Underground Injection Control

- 5H. Ecology will protect drinking water and groundwater quality by implementing the Underground Injection Control (UIC) program and associated UIC Rule (WAC 173-218). Ecology will:
- Implement the UIC rule program by completing outreach activities to better educate the public and private well owners on the rule program, such as developing guidance on UIC well protective measures, distributing brochures to local governments, and offering training as needed.
 - Provide technical assistance to owners of private and publicly owned UIC wells.
 - Submit reports to the EPA in a timely manner, and continue to work with the EPA to ensure the appropriate information is provided in a format that meets each agency's needs.
 - Ecology will submit inventory, inspection, and closure information to EPA electronically. (Web-based reporting application, if available).
 - If requested, Ecology will conduct joint UIC inspections with the EPA. If UIC wells are found to be out of compliance, Ecology and/or the EPA will take appropriate actions to correct the situation.

- 5I. Ecology's UIC program will continue to work closely with Ecology's stormwater program to update language in the stormwater manuals that shows how the stormwater program and the UIC program work closely together to protect groundwater. Ecology will provide updated outreach material to highlight how these programs work together and provide technical support to the water utility districts on the joint implementation of these programs.
- 5J. Ecology will update their stormwater injection well registration process to allow for more time to accommodate comments from other regulatory entities (change to stormwater manuals).

6. Sediments

Ecology

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EPA

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Objective

Cleanup and restore existing contaminated sediments and prevent future sediment contamination.

Activities and measures

- 6A. Ecology will provide biannual reports online and maintain the Ecology databases to identify the status of identified sediment cleanup sites within Washington State.
- 6B. Sediment Cleanup User's Manual (SCUM) II, Ecology's main guidance for state sediment management standards, is a living document that will be updated as necessary by Ecology.
- 6C. Ecology sediment staff will provide ongoing support to water quality staff for the development of the next 303(d) Impaired Water Bodies list as related to sediment quality. This includes implementing the new policy and procedures for sediment impacted waterbodies.
- 6D. Ecology will continue to participate with the Bellingham Bay Pilot partners in implementing planned Bellingham Bay cleanup and restoration plan actions.
- 6E. Ecology will continue to implement the Lower Duwamish Waterway source control strategy.

7. Financial Assistance

Ecology - Financial Assistance

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Objectives

- Provide low-interest loans to public bodies for high priority water quality projects that improve and protect the water quality of Washington State.
- Protect the public health and the environment by funding sustainable improvements to existing wastewater infrastructure and construction of new efficient wastewater infrastructure.
- Provide loan subsidy to address water quality infrastructure projects needs in small, financially challenged communities.
- Provide funding for priority nonpoint source projects and for implementation of Washington’s comprehensive estuary management plans.

Activities and measures – Clean Water State Revolving Fund Loan program

7A. Ecology will manage the Washington State Water Pollution Control Revolving Fund (SRF) program per Chapter 173-98 WAC, Uses and Limitations of the Washington State Water Pollution Control Revolving Fund. Ecology will monitor and evaluate key management and policy aspects of the SRF program, including the interest rate structure, adequate program management and administration, water quality outcomes and benefits reporting, and perpetuity.

Provided that timely Clean Water State Revolving Fund (CWSRF) Loan federal funding and timely state match funds are made available to the State of Washington SRF program, Ecology will:

- Apply for the CWSRF Capitalization Grant and include a final INTENDED Use Plan (IUP) no later than May 31 of any given federal fiscal year.

- Submit the SRF data through the National Information Management System (NIMS).
- Submit SRF Annual Reports to EPA by September 30 of each calendar year.
- Report project information and environmental outcomes for each SRF funded project through EPA's CWSRF Benefits Reporting System (CBR).
- Conduct informal ESA consultations for SRF financed treatment works projects as EPA's non-federal representative, in accordance with the 2019 Operating Agreement.

8. Administrative

Ecology

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Objectives

- The Agreement is managed for efficiency and accountability.
- Electronic data sharing is the preferred mechanism to transfer information.

Activities and measures

- 8A. Ecology will develop water quality performance measures and will provide a written status report to EPA on a semi-annual basis by August 31 and February 28 of each year.
- 8B. Ecology and the EPA water quality managers will meet annually to discuss key water quality issues and progress in meeting the commitments in this Agreement. Ecology will organize and host the 2019 meeting and the EPA will organize and host the 2020 meeting.
- 8C. The EPA will participate in Water Quality Program management meetings when necessary to coordinate an effective water quality program. The EPA will provide Ecology with relevant information on implementing water quality regulatory programs including water quality protection programs of other states to assist Ecology. The EPA will notify Ecology of any federal law, regulatory change, or policy interpretation that would necessitate a change in State law to maintain a delegated program. Ecology will work with the EPA to develop appropriate responses to such notifications.