



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

MEMORANDUM

SUBJECT: Milestone Template to Facilitate State-EPA Dialogue to Achieve Timely Impaired Waters Action under CWA Section 303(d)

FROM: John Goodin, Director
Office of Wetlands, Oceans, and Watersheds

JOHN
GOODIN

Digitally signed by JOHN
GOODIN
Date: 2021.01.14
17:10:58 -05'00'

TO: EPA Regional Water Program Directors

As discussed during our meeting in December, I am pleased to provide the attached State-Region Milestone Targets Template ("Template") to facilitate State-EPA dialogue regarding the timely submission and review of Clean Water Act (CWA) Section 303(d) and 305(b) Integrated Reports. At the last ECOS annual meeting in September, ECOS and EPA discussed collaborating to achieve a joint goal that "all states submit 2022 CWA 303(d) lists by April 1, 2022, and EPA acts on all State submittals within 30 days." Along with the goal of submitting 2022 CWA 303(d) lists by the April 2022 deadline, EPA and ECOS agreed to explore effective ways to present CWA 50th Anniversary water quality data, successes, and challenges to the public. The presentation from the ECOS meeting is attached and describes the context and genesis of the effort, which led to the formation of a State-EPA Water Quality Reporting Workgroup ("Workgroup"), with representatives from EPA, individual States, ECOS, and ACWA. After forming, the Workgroup initiated discussions on several products to assist States in meeting the April 2022 submission goal, the first of which is the accompanying Template. ECOS and ACWA plan to distribute the Template to all State environmental agency directors and water quality program directors.

Please plan to discuss this Template with State water quality program directors in your Regions. The intent is that each State would use the Template to engage in dialogue with its EPA regional counterpart over the next month and lay out milestone targets tailored to their State and Region to achieve the 2022 submission and review goals. Recognizing that there are State-specific features and that the process varies among States, this State-Region dialogue will be critical to addressing any issues or challenges that may emerge regarding on-time submittal of Integrated Reports, which include CWA 303(d) lists by April 1, 2022, and timely review by EPA thereafter.

The Workgroup endeavored to develop a simple Template to identify the key steps in achieving the 2022 submission goal, with notes and considerations that may apply at certain steps in the process. A number of strategies were also identified in Section 2 of the Template to assist where challenges arise. The Workgroup will continue to address issues that have been identified as States and EPA Regions use the Template and engage in the process.

In addition, the Workgroup will be continuing its work on additional products to further support the States and EPA. EPA has specifically offered its assistance and support via resources from their EPA Lean Management System practitioners. Several States have had the opportunity to use this support in the past to help identify more efficient, transparent, and effective ways of assessing and reporting on their water quality.

If you have any questions or suggestions for the Workgroup, please feel free to reach out to me, or ask your Branch Chiefs or staff to reach out to Jim Havard (havard.james@epa.gov) or Emily Cira (cira.emily@epa.gov) in OWOW,

or anyone on the attached list of Workgroup members. We value the great collaboration to date and are optimistic about the progress that can be achieved by States and EPA in meeting our statutory requirements and setting up EPA and the States to share the water quality progress we've made over the course of 50 years!

Attachments:

- 1: State-Region Milestone Targets Template
- 2: ECOS/EPA Presentation
- 3: Water Quality Reporting Workgroup Members

Template for [State]-[EPA Region] CWA 303(d) Milestone Targets List Submittal by April 1, 2022 and Review by May 1, 2022

Current status of [State] 303(d)* Submissions:

Cycle	Date submitted or current status	Date of EPA action
2018	<i>[fill in, if needed]</i>	
2020		
2022		

Would the state like to pursue a combined submission for 2022? ____ If so, what years? ____

This template is to be filled out by the state in consultation with the EPA region.

Section 1. This document identifies the key milestones and projected state target dates for achieving timely submittal for the 2022 cycle (April 1). Where a milestone is projected to be particularly challenging or potentially unachievable to support submission by April 1, 2022, the state and region should complete Section 2 (Strategies) to identify potential actions to address these challenges.

Figure below shows some steps in the 303(d) list process. Ones captured in the Milestone Chart are highlighted in orange. Recognize that this figure is not meant to be inclusive and steps are not necessarily sequential, the process is unique to each state.



Milestone	Completion/Target Date	Notes/Considerations:
Update assessment methodology as needed	<i>[fill in]</i>	<ul style="list-style-type: none"> Does not need to be changed/updated each assessment cycle. Recommend that states maintain open communication with EPA regarding potential changes as they come up and, if the assessment methodology is revised, share changes with the public and EPA in advance of the draft list. Consider making any changes in odd numbered years.
Data/information cut-off date	<i>[fill in]</i>	<ul style="list-style-type: none"> If no specific data call is conducted (e.g., there is a rolling data call), include a cut-off date for any data submissions as appropriate.
Share/discuss draft list for public comment	<i>[fill in]</i>	<ul style="list-style-type: none"> After data are received, states need to evaluate and use (as appropriate) data to make assessment determinations; significant time will be needed for this activity. States are encouraged to maintain open communication with EPA and consider sharing the list with EPA before sharing for public comment. Consider expected complexity of comments/issues likely to be raised. States are encouraged to upload draft assessment data to ATTAINS.
Submit final 303(d) list to EPA (including necessary/appropriate supporting information)	<i>[fill in, but NLT April 1, 2022]</i>	<ul style="list-style-type: none"> States are encouraged to communicate with EPA as they work to develop their response to comments and final list. Allocate adequate time for training, support, and submission of lists electronically through ATTAINS. Continue to develop and submit geospatial representations of the assessment units that are reflected in their IRs, or that have TMDLs, alternative restoration plans, or protection approaches. Allocate sufficient time for internal state review/processes.

*EPA encourages states to submit an Integrated Report that integrates the reporting requirements of the Clean Water Act (CWA) section 303(d) and section 305(b).

Section 2. If needed after completing Section 1 or whenever a key milestone appears to be in jeopardy, this section, developed collaboratively between the state and region, describes the issues/challenges and strategies to consider employing for on-time submittal by April 1, 2022 and review by May 1, 2022.

Issues/challenges:

[Describe what issues need to be addressed for the state to get its 2022 list in on-time. Potential bins include but are not limited to: challenging policy issues/litigation, staff or extramural resource capacity, data processing or electronic submittal challenges, legacy timeliness issues.]

Strategies the State and EPA will implement to meet the April 1 and May 1 deadlines

[In table below, describe strategies and commitments the state and EPA will use/make to address the issues/challenges described above in order to meet the April 1 and May 1 deadlines. EPA recognizes that many regions and states have already been discussing these or similar strategies.]

State strategies/commitments for timeliness: States might consider approaches including, e.g.:

- setting cut-off dates for submission of data for states to consider in the 2022 listing cycle
- combining 2020 and 2022 list submissions in order to catch up with regulatory deadline
 - o Not intended to obviate the requirement to submit an IR every two years
- early communication with EPA to engage on potential issues
- including key supporting information in submissions to EPA
- exercising opportunities for process improvement.

EPA commitments for timeliness: EPA stands ready to work collaboratively with states to help them to submit on-time lists in 2022. Describe how EPA will support meeting the April 1 and May 1 deadlines including, e.g.:

- technical assistance on assessment and data issues
- early and regular communication, e.g. striving to raise potential issues early in the process
- participating in/facilitating process improvement events.

Strategies for timely submittal of 2022 lists		
Issues/challenges in preparing an on-time submittal by April 1, 2022 and review by May 1, 2022, e.g.:	State commitments:	EPA commitments:
<i>Limited staff resources</i>		
<i>Steep learning curve for electronic reporting</i>		<i>E.g., EPA will continue to support states with electronic submittals through trainings and one-on-one assistance as needed.</i>
<i>Processing third party data is time consuming</i>	<i>E.g., State will include a recommended data format in the data solicitation.</i>	

Collaboration to Comprehensively Report on Water Quality at the 50th Anniversary of the CWA

ECOS FALL MEETING

SEPTEMBER 22-23, 2020

1

Setting the stage

EPA Lean Management System (ELMS):

- Set ambitious targets for mission-critical work, measure results, and improve processes to bridge gaps between targets and results

Clean Water Act (CWA):

- “Restore and maintain” the Nation’s waters; recognize the “primary responsibilities and rights of States to prevent, reduce and eliminate pollution”
- October 2022 is the 50th Anniversary of the CWA; how will we have done?

ECOS and EPA:

- Premiere partnership to deliver the comprehensive data needed to celebrate progress and recognize remaining challenges
- Collaboration now to deliver key data in 2022 via CWA Section 303(d) lists & actions

2

Status of Actions in CWA 303(d) Program

EPA Actions	State Actions
<ul style="list-style-type: none"> EPA emphasis on taking action on lists and TMDLs within 30 days (<i>AA Ross 6/3/19 memo</i>) <ul style="list-style-type: none"> EPA eliminated backlog of action on lists (from 25 in FY2018 to 0 in July 2020) EPA reduced backlog of action on TMDLs for State-Identified Priority Waters by 99.6% (from 275 in FY2019 to 1 in FY2020), while acting on more than 1,750 TMDLs in FY2020 EPA continues to support States in electronic submissions 	<ul style="list-style-type: none"> 43 (of 56) State lists (due April 1) not yet submitted for 2020 cycle 21 outstanding lists from previous cycles On-time submittals: 4 of 56 (2020); 5 of 56 (2018); 6 of 56 (2016) EPA/States partnered on 4 Lean Events States have made 63% progress in getting priority TMDLs and other plans in place by 2022

3

Strategies for timely submittal and review of CWA 303(d) lists

- Maintain open communication
- Provide clear instructions in State requests for data/information and public participation
- Combine State list submissions and EPA actions
- Include key supporting information
- Streamline the narrative portion of electronic lists
- Utilize support from EPA
- Use formal agreements (e.g., PPAs) to promote on-time list submittals
- Pursue process improvements (e.g., Lean)

4

Idaho Experience

- Training on electronic database (2017)
- Process improvement event (2018)
- Improvements
 - Streamlined steps for data collection and assessment decisions
 - Early engagement with EPA
 - Efficient use of ATTAINS
- Currently developing 2018/2020 combined submission
 - Pre-public draft made available for EPA review in ATTAINS
- Planning to submit 2022 on time and stay on time moving forward

5

Call to Action (Proposed)

- *Joint Goal: All States submit 2022 CWA 303(d) lists by April 1, 2022, and EPA acts on all State submittals within 30 days; EPA and States explore effective ways to present CWA 50th Anniversary water quality data, successes, and challenges to the public*
- **Action:** By November 2020, convene a small group of ECOS members and EPA managers (with ACWA or other participation as appropriate) to initiate work on improvements to support timely action
 - By January 2021, develop Summary Report or other resources useful to States
 - By January 2021, develop State-Specific Action Plans/Milestones with EPA Regional support
 - By April 2021, develop draft framework for presenting CWA 50th Anniversary water quality data, successes, and challenges

6

State-EPA Water Quality Reporting Workgroup members

State, ACWA and ECOS members

Name	Organization	Title
Jess Byrne	Idaho DEQ	Director
Jason Pappani	Idaho DEQ	SW Bureau Chief
Tom Stiles	KS DHE	President, ACWA
Amanda Vincent	LA DEQ	Treasurer, ACWA
Traci Iott	CT DEEP	Co-Chair, ACWA Watersheds Committee
Jeff Berckes	Iowa DNR	Co-Chair, ACWA Watersheds Committee
Randy Bates	AK DEC	Director, Division of Water
Joe Martin	AR DEQ	Director, Water Quality Planning
Bruce Friedman	NJ DEP	Director, Water Monitoring & Standards
Jessica Sponaugle	NJ DEP	Special Assistant to the Commissioner
Pat Gardner	NJ DEP	Assistant Commissioner
Kim Cenno	NJ DEP	Chief, Bureau of Environmental Analysis, Restoration & Standards
Connie Dou	OR DEQ	Manager, Water Quality Standards & Assessment
Richard Cochran	TN DEC	Manager, Watershed Planning Unit
Jodi Gardberg	UT DEQ	Section Manager, Watershed Protection
Layne Piper	ECOS	Senior Project Manager
Julia Anastasio	ACWA	Executive Director & General Counsel
Jasper Hobbs	ACWA	Environmental Program Manager

EPA members

Name	EPA Office	Title
Benita Best-Wong	Office of Water (OW)	Deputy Assistant Administrator
John Goodin	Office of Wetlands, Oceans and Watersheds (OWOW)	Director
Sandra Connors	OWOW	Deputy Director
Andrea Barberry	Office of Congressional and Intergovernmental Relations	Intergovernmental Liaison
Tom Wall	OWOW	Director, Watershed Restoration, Assessment and Protection Division
Jim Havard	OWOW	Chief, Watershed Branch
Dwane Young	OWOW	Chief, Water Data Integration Branch
Charles Maguire	Region 6	Director, Water Division; Lead Water Region
Rick Balla	Region 2	Chief, Watershed Management Branch
Gracy Danois	Region 4	Chief, Assessment, Listing and TMDL Section
Tina Yin	Region 9	Manager, Standards and Assessment Section