

Montana DEQ 2009 PPA Guidance Recommendations

Strategic Goals

DEQ should link program activities in the PPA with appropriate EPA strategic goals and objectives

Template Measurement

DEQ should commit to reporting information necessary to derive grant template measurements for OMB for each applicable program.

Air Quality Monitoring

DEQ should identify an NCore monitoring site.

Quality Assurance

Activities of any of the environmental programs included in the 2008 Performance Partnership Agreement which involve environmental data collection, data use, database use or use of models should have language in the agreement to address the following:

Activities for that Program are covered under a Quality Management Plan (QMP), Quality Assurance Project Plan (QAPP), or Sampling and Analysis Plan (SAP), Activities for that Program are covered by Standard Operating Procedures (SOPs), and the QMP, QAPPs, SAPs and SOPs are reviewed and are up-to-date.

The environmental program titled “**Water Quality Monitoring and Data Management**”, which is section **2.5** in the PPA, has adequately addressed this in the goals table.

Long-Term Goals	Short Term Goals	Objectives	Performance Measurements and Indicators
	1.11 Administer an effective QA program	1.11A. Maintain and revise as needed, field SOP/QA manuals 1.11B. Continue refinement of water body use-support decision criteria 1.11C. Development of QA documents for all bureau activities, including QAPPs, SAPs, or functional equivalent documentation 1.11D. Update and implement the Bureau’s Quality Management Plan (QMP).	QA ans SOP procedure will continue with other section in the WQPB. QA documents, or references, incorporated into all Bureau projects that involve monitoring and modeling. Implementation of measures noted in QMP.

This, or similar, type of language should be included in the other sections of the PPA because of the activities included in each of the programs below. Alternatively, the language may be included in a separate Section on QA that includes specific references to all programs that involve environmental data collection, data use, database use or use of models.

2.3 Water Quality Control – Protection and Planning

2.5 Water Quality Monitoring and Data Management

2.7 Water Quality Site Response – Ground Water 106

2.8 Water Quality – Public Water Supply

2.9 Underground Storage Tank (UST) Release Prevention Program

2.13 Radon

2.14 Enforcement

UST

EPA will work with DEQ to identify opportunities to streamline the cleanup process and develop risk based priorities

Water Permits

Include a multi year permit backlog reduction plan with milestones. The plan should identify reasons for the backlog, short and long term commitments to resolving obstacles to timely permit issuance and an evaluation of resources needed to resolve the backlog. About 40 permits/year are required to eliminate the backlog in 5 years.

Written reports for permits, inspections, compliance events may be required on a case-by case basis, to obtain current information about program accomplishments and progress, even though the information is also reported in EPA databases.

Public Water Supply Systems

Seek necessary statutory change for Enhanced Surface Water Treatment Rule adoption. Develop a schedule and implement consumer confidence rule. In coordination with IT, estimate schedule and implement SDWIS State Web Release 2. In the meantime, continue to use and maintain SDWIS 8.0 as the PWS inventory and compliance database.

Written reports for permits, inspections, compliance events may be required on a case-by case basis, to obtain current information about program accomplishments and progress, even though the information is also reported in EPA databases. Information for the public water compliance report, Significant Noncompliance (SNC) list annotation, strategic performance measures, will be extracted from SDWIS, if practicable.

Identify and prioritize remaining ground water under the influence of surface water assessments by 11/15/08 and provide the list to EPA.

Update the PWS Enforcement Response Guide to include new rules and provide a copy to EPA by 11/15/08.

Source Water Protection

Sustainable Water Infrastructure Background and Information. Montana DEQ and EPA are committed to ensuring the long-term viability of water infrastructure through promoting sustainable practices that will reduce the gap between funding needs and financial capability at the local, state and national levels. Montana DEQ and EPA will work with key stakeholders to develop and implement the Sustainable Water Infrastructure Initiative to reduce/optimize future infrastructure needs and costs, and ensure that current and future infrastructure is planned and managed more effectively. To achieve these goals, Montana DEQ and EPA will collaborate to: 1) promote better management practices, 2) encourage efficient water use, 3) promote full-cost pricing of water, and 4) promote a watershed approach to planning and protection.

DEQ should establish a point of contact / liaison for Sustainable Water Infrastructure to help develop and implement a Sustainable Infrastructure Strategy as well as serve as a communication link between EPA and key stakeholders in your state.

Air Enforcement

Penalty calculations for both gravity and economic benefit must be included in the AFS database.

NPDES Enforcement

Ensure that inspections address all permit requirements and that inspection reports are completed within 45 days.

Appropriate information about violations must be entered into the ICIS-NPDES database within the time frames identified in the national policy, including linkages of enforcement actions to violations.

Injunctive relief with enforceable timelines must be included in all enforcement actions. DEQ must initiate enforcement within a reasonable time and ensure that failure to comply with enforcement actions results in appropriate enforcement escalation.

DEQ must ensure that penalties include both an economic benefit and gravity component. Quarterly meetings will be held to discuss penalty calculations and monitor progress.

Inspection reports and violation letters for major facilities must be submitted to EPA

The number of facility files to be reviewed after-the-fact for each program may increase to no more than 15. These files will include files targeted for review to focus on problem areas identified in addition to the random and representative files selected. Additionally,

a number of targeted, real-time file reviews may also be conducted. Spot checks will be completed to determine if inspection reports are being completed on time, if inspections address all components of a permit, if enforcement actions include injunctive relief with timelines, and that enforcement actions are timely and appropriate with enforcement escalation when necessary. Real time review of draft penalties will be conducted as agreed to by EPA and DEQ.

PWS Enforcement

Provide accurate, reliable data in the SDWIS database, which is the source of information for national program measurements. DEQ will upload all enforcement actions and applicable return to compliance codes into SDWIS-Fed quarterly.

DEQ will annotate the Quarterly SNC list by indicating the state actions planned for each SNC, the projected time frame for such actions, and other relevant information that helps EPA evaluate candidates for federal enforcement. DEQ will return the annotated list to EPA within 30 days.

DEQ will cooperate with EPA in identifying systems in violation of Stage 2 and LT2 requirements for which DEQ does not yet have primacy.

DEQ will provide to EPA by 11/15/08 the compliance schedules for those systems that are under order; and, for those not under compliance schedules, DEQ will provide to EPA a rationale for state action and the time frame for securing an enforceable compliance schedule.

RCRA Enforcement

EPA and DEQ will work together to refine the LQG universe

DEQ must ensure that identified SNCs must be entered into RCRAInfo no later than 150 days after inspection, proper enforcement is pursued, and the return to compliance and removal of the SNC designation is entered, as appropriate, into the database. TSDFs inspected by DEQ must be appropriately identified in RCRAInfo.

DEQ should change the procedure for calculation of the multi-day component of the gravity portion of penalties and eliminate the artificial termination for days of violation at 10 days.