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**PERFORMANCE PARTNERSHIP AGREEMENT**

between the

**VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

and the

**US ENVIRONMENTAL PROTECTION AGENCY,  
REGION I: NEW ENGLAND**

for

**FEDERAL FISCAL YEARS 2010, 2011 AND 2012**

**November 6, 2009**

### Statement of Purpose

Vermont Department of Environmental Conservation has entered into Performance Partnership Agreements (PPA) with the Environmental Protection Agency since federal fiscal year 1997. This agreement continues this process which serves as the workplan for grants from EPA to the state covering a portion of the cost of operating DEC's programs, as well as pass-thru funds for other related projects. The development of the combined grants simplifies grant administration, provides the opportunity to prioritize the use of these funds as set forth in this agreement, and allow a reduction in the amount of state and federal resources devoted to grant oversight, reporting, and administration.

This agreement covers a three-year period for federal fiscal years 2010, 2011 and 2012. Although the agreement will cover a three-year period, DEC will still apply for its grants annually.

The focus of the PPA is the EPA/Vermont Priorities and Commitment List ("P&C List"). This list was initially developed by EPA to address both regional and national environmental priorities. Vermont and EPA then worked together to develop a P&C List for Vermont for federal fiscal year 2010 (see Appendix A). The P&C List is negotiated annually.

### Parties to the Agreement

The parties to the agreement will be the USEPA, Region I, and the Vermont Department of Environmental Conservation. The agreement establishes continued oversight and reporting, based on the use of environmental and public health indicators, to measure success in meeting the established goals and objectives. The Department will provide the major block of resources necessary to carry out the agreement. EPA will provide resources to manage the agreement and the PPG from the federal point of view. It is anticipated that the agreement will provide the opportunity for the Department and EPA to work more closely and cooperatively together in addressing the established goals.

### Programs Covered by the Agreement

The following federal programs are covered by this agreement.

1. Water Pollution Control (CWA Section 106, surface and ground water)
2. Nonpoint Source Management (CWA Section 319)
3. Wetlands Program Development (CWA Section 104(b)(3))
4. Public Water System Supervision (SDWA Sections 1443(a) and 1451(a)(3))
5. Underground Water Source Protection (UIC) (SDWA Section 1443(b))
6. Resource Conservation & Recovery (RCRA) (SWDA Section 3011(a))
7. Underground Storage Tank Grant (UST) (SWDA Section 9010)
8. Pollution Prevention Incentive Grant (PPIS) (PP Act Section 6605)
9. Clean Air Act Grant (CAA Section 105)

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## Public Participation

In developing this three-year PPA, the Department published the draft PPA on the department public web site for 21 days, from October 21, 2009 to November 10, 2009. During this period, comments on the draft agreement will be considered. In addition, the department will continue to accept comments on the final agreement on an ongoing basis.

## Reporting

The Department will provide EPA with two additional reports to document progress for items on the P&C List: an end-of-year report and a midyear report. The end-of-year report will be submitted in January following the end of the federal fiscal year. This report will summarize progress and discuss any areas where the department failed to meet the established indicators or are experiencing difficulties in making the progress anticipated. The midyear report will focus on those activities and performance measures where satisfactory progress has not been made and will include proposed changes needed to address these exceptions.

At least monthly contact will be made between the EPA's Vermont State Senior Program Manager and the Department's representatives to discuss any areas that have been raised by their respective staff, or issues that have arisen that could affect the agreement. Staff level workgroups will be formed, as needed covering areas of EPA assistance to the state on defined issues.

The department will continue normal reporting of data to national databases such as PCS and SDWIS, as well as required program reporting such as 305(b) and enforcement related actions.

## **Schedule of Reporting Dates and Milestones**

DATE	MILESTONE
June, 2010	Submit Mid-Year report for 2010.
January, 2011	Submit End-of-Year report.
June, 2011	Submit Mid-Year report for 2011.
January, 2012	Submit End-of-Year report.
June, 2012	Submit Mid-Year report for 2012.
June, 2012	Begin discussion with EPA and Stakeholders for the 2010 to 2012 PPA.
Sept., 2012	Submit 2013 PPG and 2013to 2015 PPA.

### Reopening Agreement

Although this is a 3-year agreement, either EPA or DEC can request reopening this agreement by notifying the other party in writing at least 60 days in advance. In general, reopening the agreement should be limited to a major omission, a new unanticipated requirement, a sudden and significant change in funding levels or available resources, resolution of major legal proceedings, or a combination of these. DEC and EPA will annually renegotiate or update all portions of the PPA. Note that EPA's Enforcement Office only negotiates its activities annually. If the adjustments are minor and are mutually agreeable, the PPA shall be revised or updated by written correspondence between the parties. If the adjustments are significant, then the parties will need to reopen the agreement.

### Dispute Resolution

The Department and EPA agree that the following process will be used to resolve any disputes that cannot be settled by consensus agreement, although both parties agree that every effort will be made to resolve all issues in a timely fashion without resorting to this process.

1. The dispute shall be defined in writing by both parties, with the issues and obstacles clearly stated by both parties.
2. Written disputes shall be submitted to the Vermont State Senior Program Manager and the Department's Commissioner.
3. The Vermont State Senior Program Manager and DEC Commissioner shall discuss the dispute and reach a decision within two weeks of the submission.
4. If agreement cannot be reached at this level the dispute shall be raised to a higher level in each organization following the same process.

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Signature Page

The Vermont Department of Environmental Conservation and USEPA, Region I, are pleased to enter into this FY 2010-12 Environmental Performance Partnership Agreement. This agreement continues our efforts to establish more effective working relationships between the Department and Region I.

For the Vermont Department of  
Environmental Conservation:

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Justin G. Johnson, Commissioner

\_\_\_\_\_  
Date Signed

For USEPA Region I: New England:

\_\_\_\_\_  
Curt Spalding, Regional Administrator

\_\_\_\_\_  
Date Signed

## **PLANNING PROCESS**

### Department Planning

In 1996, the Department initiated its first comprehensive long range planning process. The divisional goals from this process are reflected below. Department planning efforts have not been a priority recently due to major budgetary constraints. Planning efforts are currently in transition and will be reflected in future PPA documentation. For FY 2010, this effort will focus on validating the current program goals and developing outcomes for each department program (division).

### Department Program Goals

#### **AIR**

Maintain a level of air quality in Vermont that supports a healthy, diverse ecosystem; healthy, safe human environment; aesthetic beauty, and compliance with state and federal clean air laws.

#### **SURFACE WATER**

Maintain and enhance a level of surface water quality, quantity and stream morphology that supports the integrity of healthy ecosystems; protects the public health and safety; supports high quality recreation associated with the waters; and supports use of state waters for public water supply, irrigation and industry. Provide for convenient public access to the state's waters. Assure compliance with the Federal Clean Water Act.

#### **DRINKING WATER**

Assure safe, affordable drinking water from public water systems for Vermonters and our guests by helping those systems meet this goal and by managing the state's drinking water resources.

#### **GROUNDWATER AND EARTH RESOURCES**

Maintain a level of groundwater quality that is suitable for use as drinking water, protects users rights, and complies with federal requirements; and properly manage and conserve Vermont's earth resources.

#### **WASTE**

To reduce hazardous and solid waste generation through pollution prevention, source reduction, reuse and recycling, to ensure safe management of solid and hazardous waste that are generated, and to mitigate the health and environmental impacts of improper waste disposal actions and accidental releases.

#### **MANAGEMENT AND SUPPORT SERVICES**

A department management system that assures: effective and efficient use of available resources; administration of federal programs at the state level; an informed public that appreciates the state's natural resources; monitoring of environmental quality; considerate and timely service to the people we serve; and a safe, comfortable and healthy work environment.

**Comparison of Vermont Department and Division Programs with EPA Strategic Plan Goals**

Department Program	Division Program	EPA Planning Goals
Air	Air Pollution Control	Clean Air and Global Climate Change
Drinking Water	Drinking Water System Project Implementation	Clean and Safe Water
	Public Drinking Water Operations and Compliance	
	Public Drinking Water Support and Planning	
Surface Water	Direct Discharge Management	
	Riparian Corridor Management	
	Stormwater Management	
	Surface Water Monitoring and Assessment	
	Watershed Planning and Projects	
	Wetland Management	Healthy Communities and Ecosystems
Groundwater & Earth Resources	Drinking Water Resource Management	Clean and Safe Water
	Wastewater and Water, and UIC Permits	
Management and Support Services	Multi-Media Pollution Prevention and Compliance Assistance	Compliance and Environmental Stewardship
	Enforcement	
Waste	Hazardous Waste Management	Land Preservation and Restoration
	Underground Storage Tanks	

**APPENDICES**

A: 2010 EPA/Vermont Priorities and Commitment List

<b>EPA's Vermont DEC 2010 PPA Priorities &amp; Commitments List</b>	
	<b>GOAL 1: CLEAN AIR &amp; GLOBAL CLIMATE CHANGE</b>
	<b>Objective 1.1 Healthier Outdoor Air</b>
	<b>Sub-Objective 1.1.1 Reduce Criteria Pollutants and Regional Haze</b>
	<i>Ground Level Ozone, Fine PM, and Lead</i>
1	Participate in EPA's AIRNOW program. This includes: 1) Submitting ozone and PM2.5 real-time data and forecasts to the Data Management Center; 2) Issuing EnviroFlash alerts; 3) participating in Region I's outreach and forecasting workshop; and 4) as state travel restrictions allow, attending the annual National Air Quality Conference.
2	Continue development of 2008 periodic emission inventory, which may become the base year inventory for new 0.075 ppm ozone standard.
3	Ensure that Vermont's air emissions data can be readily uploaded to EPA's re-designed NEI database system.
4	Submit State designation recommendations for the 2008 Lead NAAQS. Recommendations due by October 15, 2009.
6	Submit a negative declaration or any rules necessary pursuant to the following new CTGs issued by EPA: (1) Industrial Cleaning Solvents, (2) Flat Wood Paneling Coatings, (3) Offset Lithographic Printing & Letterpress Printing, and (4) Flexible Package Printing.
7	Submit a negative declaration or any rules necessary pursuant to the following new CTGs issued by EPA: (1) Paper, Film, and Foil Coatings; (2) Metal Furniture Coatings; and, (3) Large Appliance Coatings.
8	Submit a negative declaration or any rules necessary pursuant to the following new CTGs issued by EPA: (1) Miscellaneous Metal Products and Plastic Parts Coatings; (2) Automobile and Light-Duty Truck Assembly Coatings; (3) Fiberglass Boat Manufacturing Materials; and, (4) Miscellaneous Industrial Adhesives.
9	Submit infrastructure SIP for the 2006 PM2.5 24-hour standard. EPA will provide guidance to the state.
10	Submit OBD2 SIP for approval when contracts are issued for computerized system.
11	Participate in Northeast Diesel Collaborative to advance state and regional programs to reduce diesel emissions.
12	Promote the 2009/2010 EPA RFP under DERA to local communities and other partners to encourage the submission of proposals from VT organizations.
13	Upon passage of state legislation directing such, pursue the development of a diesel vehicle idling rule to help mitigate unnecessary idling of vehicles.
	<i>Regional Haze</i>
14	Participate in the northeast regional haze planning organization Mid-Atlantic and Northeast States Visibility Union (MANE VU).
	<i>Title V / NSR Permits</i>
16	Insure that 100 percent of significant Title V operating permit revisions are issued within 18 months of receiving a complete permit application. Provide necessary data to document the goal every six months. (OAQPS P08a and OAQPS P11)
17	Insure that 94 percent of new Title V operating permits are issued within 18 months of receiving a complete permit application. Provide necessary data to document the goal every six months. (OAQPS P08b and OAQPS P11)
18	Title V renewals: Reduce the total universe of title V sources with extended permits by 10%. (OAQPS P07a and OAQPS P11)
19	Respond to EPA's comments on state's NSR equivalency demonstration, if necessary.
20	Insure that 78 percent of major NSR permits are issued within 12 months of receiving a complete permit application. Provide necessary data to document the goal every six months. (OAQPS P001)

20a	Insure that data are submitted to EPA's RACT, BACT, LAER Clearinghouse for new major sources and major modifications within 30 days of permit issuance. Provide the data documenting the timeliness of the submissions every six months.
	<b>Sub-Objective 1.1.2 Reduce Air Toxics</b>
	<i>Air Toxics</i>
21	Work collaboratively with the region to implement an implementation strategy for the Paint Stripping and Miscellaneous Surface Coating and Auto Body Refinishing NESHAP.
22	Continue delegation and implementation of toxic requirements under section 112, 129, and 111(d), as appropriate, for major sources rules, area source rules, and residual risk rules. (OAQPS T06)
23	Work to encourage local communities to apply for CARE and other EPA grants and work with CARE grant recipients and communities to incorporate air toxics reduction strategies into project workplans. (OAQPS T05)
24	Explore strategies to reduce human health risks indicated by state and national air toxics assessment analyses. Participate in NESCAUM Public Health Subcommittee and participate in the Vermont Asthma Advisory Panel to integrate/adopt air toxics reduction strategies.
25	Participate in NEG/ECP mercury task force and work to implement strategies under mercury action plan.
26	Support EPA's efforts to produce an accurate National Emission Inventory (NEI) for Hazardous Air Pollutants (HAPs). This includes: (1) reviewing the 2008 NEI for HAPs once it is released; (2) reviewing Vermont point source data released for comment under EPA's Risk and Technology Review rulemakings; and (3) collecting HAP data from sources for the 2008 NEI for HAPs. (OAQPS T07)
	<b>Objective 1.2 Healthier Indoor Air</b>
27	Coordinate as needed with EPA and Department of Health on implementing indoor air quality programs such as Tools for Schools, Environmental Tobacco Smoke and Radon.
	<b>Objective 1.5 Reduce Greenhouse Gas Emissions</b>
28	Participate in NEG/ECP climate change steering committee and work to implement strategies under Climate Change Action Plan.
31	Encourage local communities to participate in EPA's Community Energy Challenge to receive energy efficiency technical assistance for municipal buildings and waste water treatment plants and make them aware of climate change grant opportunities.
	<b>Sub-Objective 1.5.3 By 2012 15 MMTCE will be Reduced in the Transportation Sector (compared to the 2002 level).</b>
34	Promote programs to improve fuel efficiency and reduce emissions from transportation and goods movement such as EPA's SmartWay Transport Partnership. (OTAQ 04)
	<i>Air Monitoring</i>
35	Air Monitoring Network:-Submit network monitoring plan for lead (Pb), which includes technical arguments for opting out of the current Pb ambient monitoring requirements for both source-based and population-based monitoring. State will update plan as necessary subsequent to planned revisions to the Pb monitoring requirements. With EPA approval, monitoring for lead using non-FRM methods in current monitoring network. (OAQPS M21)
36	Air Monitoring Network: Operate NCore multi-pollutant precursor gas sites established and report data from these sites to AQS. Submit plan for NCore stations by July 1, 2009.
37	Air Monitoring Network: Submit to EPA by July 1 the annual air monitoring network plan and schedule (40 CFR 58.10). (OAQPS M08)
38	Air Monitoring Network: Operate EPA-approved network (SLAMS, PAMS, PM), enter the air monitoring, precision and accuracy data into AQS within 90 days (180 days for PAMS) of the end of each calendar quarter (40 CFR 58.12, 58.14, & 58.16) and submit the annual SLAMS data certification by May 1, 2010 (40 CFR 58.15). (OAQPS M11)
39	Toxics Air Monitoring: Continue operation of the toxics air monitoring sites including mercury monitoring sites and enter the data into AQS. (OAQPS M20)

40	Proceed with VT's special mercury study: (a) Purchase and set up Tekran 1135 within 2 months of receiving supplemental 105 funds; (b) Upgrade and deploy mobile trailer; (c) Provide written report to EPA on comparative analysis of atmospheric mercury observations at Shoreham, VT and Underhill, VT by November, 2009.
41	Submit 5 year Air Monitoring Network Assessment in accordance with 40 CFR 58.10(d), by July 1, 2010. (OAQPS M23)
42	Quality Assurance: Update all approved QAPPs annually and five year revisions as needed. Ensure adequate, independent QA audits of NAAQS monitors or participate in NPAP and PEP QA programs. (OAQPS M10)
43	Participate and support EPA in every 3rd year Technical Systems Audit (TSA) for State during FY 2010 (OAQPS M07)
44	Prepare to terminate or extend, as needed, the FY09 PM §103 air monitoring grant on March 31, 2010.
<b>GOAL 2: CLEAN &amp; SAFE WATER</b>	
<b>Objective 2.1 Protect Human Health</b>	
<b>Sub-Objective 2.1.1 By 2011, 91% of the Population Served by CWSs that will Receive Drinking Water That Meets all Applicable Health Based Standards</b>	
<i>Certification of Drinking Water Labs</i>	
45	Maintain accreditation for the DEC state principal laboratory and follow up promptly on any action items resulting from NELAP assessments of the laboratory.
<i>Source Water Protection</i>	
48	Continue to support implementation of local source water protection programs and, where appropriate, continue to integrate source water protection implementation into other programs appropriate (e.g., UIC, stormwater). (Subobjective 2.1.1, Strategic Target SP-4)
<i>Drinking Water</i>	
49	Work to achieve target of 90% of the population served by CWSs having drinking water that meets all applicable health-based drinking water standards through approaches including effective treatment and source water protection. (Subobjective 2.1.1)
50	Work to achieve target of 90% of CWSs that provide drinking water that meets all applicable health-based standards through approaches including effective treatment and source water protection. (Strategic Target SP-1)
51	Work to achieve target of 95% of "person months" (i.e., all persons served by CWSs times 12 months) during which CWSs provide drinking water that meets all applicable health-based drinking water standards. (Strategic Target SP-2)
52	Groundwater Rule: Implement GWR per extension agreement and submit primacy package by Nov. 2010 extension deadline. Work with Region to make any changes to package to obtain approval.
53	LT2/Stage2: implement rules and perform tasks per extension agreement with EPA; submit primacy packages by Jan 2010 deadlines.
54	Sanitary surveys: All CWS have undergone a sanitary survey within 3 years of the last survey. Three year cycle for surveys conducted at CWSs will be measured based on the period 1/1/07 through 12/31/09; ensure 100% of CWSs served by surface water/GWUDI are surveyed in this time period. Begin to implement schedule for Groundwater Rule by surveying all groundwater CWS on a three year cycle and all NTNCWSs on a five year cycle (i.e., 49 NTNCWS/year). Continue to build toward five year cycle for all TNCWSs (VT preliminary target for FY10 is 100 TNCWSs, to be reviewed at mid-year point); evaluate capacity needed to meet five year cycle for TNCWSs (~140/yr) in future years. Report all surveys to SDWIS. (Strategic Target SDW1a)

55	Program Reviews (previously called Data Verifications): Work with the Region to improve SDWIS data quality highlighted in the Data Reliability Study. Review the deficiencies identified in the August 2009 Program Review, and evaluate policies, procedures, and data management to ensure that compliance determinations are consistent with state and federal regulations. Develop and implement a timely corrective action plan to follow-up on/correct any deficiencies outlined during the most recent Program Review.
56	Security/Emergency Response: continue to coordinate with EPA on security workshops, drills, mutual aid WARN activities, and planning for pandemic. Work to draw-down and close-out old security grants and provide updates on progress.
57	Submit primacy package or request for extension for Short-Term LCR revisions by December 10, 2009. Continue to follow-up on any LCR action items.
58	Maintain timely and accurate reporting to SDWIS and otherwise comply with 40 CFR 142.15.
59	Coordination/oversight of implementation of new consecutive systems legislative exemption, including EPA review of selected monitoring plans of affected systems.
60	Primacy: upon receiving Regional comments on primacy packages, work with Region to agree on and to promulgate any necessary regulatory changes that may be necessary to obtain EPA approval.
61	Logic Model: continue to use the Model with Region in midyear process and program analysis as needed.
	<i>UIC</i>
62	Continue to identify and to close or permit identified High Priority Class V Wells (UIC National Measure SDW-8). Continue to report UIC activities (e.g., number of inspections conducted, number of permits issued, number of wells closed, UIC enforcement activity, etc.) to EPA per 7520 forms.
63	Continue the revising of the current VT UIC rules and the development of the UIC primacy package for submittal to EPA
	<b>Objective 2.2 Protect Water Quality</b>
	<b>Sub-Objective 2.2.1 By 2012, Use Pollution Prevention and Restoration Approaches to Protect the Quality of Rivers, Lakes and Streams on a Watershed Basis</b>
	<i>303(d)/305(b)</i>
64	Submit the 2010 305(b)/303(d) Integrated Report by April 1, 2010. Also submit electronic data files using ADB by April 1, 2010.
65	Georeference waters to NHD (1:24,000 or finer resolution) if not already done.
	<i>Monitoring</i>
66	Continue implementing comprehensive water monitoring strategy covering lakes, rivers and estuaries. (WQ-5)
67	Provide updated monitoring strategy to EPA if not completed during FY09
68	Report on outcomes of monitoring activities using FY2009 106 supplemental funding for monitoring by Sept. 30, 2010, and prepare workplan for FY2010 106 supplemental funds by May 1, 2010.
	<i>STORET/WQX (Water Quality Exchange)</i>
69	Continue routine annual uploads of physical, chemical and biological data to WQX (formerly STORET).
	<i>Water Quality Standards - Biological, Nutrient, Temperature</i>
70	Continue development of numerical biological criteria for streams and lakes/ponds.
71	Continue efforts toward addressing flow quantity and water level issues to ensure protection of instream waters uses. EPA will continue efforts toward addressing flow quantity and water level issues to ensure protection of instream water users and quality with VTDEC, VTFW, and other state and federal agencies.
72	Continue coordination with the Water Resources Panel and EPA to resolve issues concerning the reclassification of waters to water management types.

73	Work with the Water Resources Panel and EPA to develop and adopt an antidegradation implementation procedure.
74	Continue to develop nutrient criteria in accordance with the Nutrient Criteria Development and Adoption Plan. (WQ1-b)
	<i>Watershed Approach</i>
75	Using the PPA process, 303(d) list, the nonpoint source RFP, and other state processes, work to identify priority watersheds and water bodies for the state to focus effort to protect and improve water quality. Assist EPA Region 1 in developing targets for FY'11 (Jan./Feb. '10) and reporting progress for FY'10 on the watershed measures L, Y, and W (Sept. '10). (SP-10, SP-11, SP-12)
76	In those priority water bodies and watersheds, work to leverage existing tools such as the state's TMDL, nonpoint source, water quality, permit, SRF grant, and source water assessment programs to concentrate implementation efforts and to measure improvements.
77	Work to update and submit a list of water bodies to EPA by 2/15/10 that the state will fully restore (measure L) or partially restore (measure Y) over the next several years (through 2012). (SP-10, SP-11)
78	For measure W, work with EPA Region 1 to review and update (if needed) a list of impaired watersheds (at the 12-digit level) that the state will most likely improve by 2012, and include the projected date of the improvement. The list should also include impaired watersheds where significant work is underway that "may" meet the improved definition by 2012 as well as those watersheds where significant work is underway that will probably not improve by 2012. By 9/30/10, report any progress on restoring the measure W watersheds by 2012. (SP-12)
	<i>NPS 319</i>
79	Continue to use the 2004 Nonpoint Source Program and Grants Guidelines for states and territories to identify eligible activities, program priorities and reporting requirements.
80	A representative of the state's NPS program is required to attend at least one NPS and GRTS national meeting, along with regional convened by EPA. States shall utilize s. 319 funds to cover travel expenses for NPS program staff to attend regional and national GRTS training meetings, national NPS conferences, and regional NPS meetings and conferences, unless prevented by state-wide travel bans.
81	Continue to work with other government agencies to influence the targeting of a portion of the Farm Bill Programs (e.g., EQIP) to areas of environmental concern (i.e., impaired waters, fragile waters in need of protection, and a watershed approach).
82	Continue to target 319 funds for priority segments or watersheds to include measure W/L watersheds. Increase the NPS program performance in the restoration or partial restoration of impaired waters and continue to prepare and submit success stories for restored or partially restored water bodies in accordance with EPA national computational guidance. (SP-10, SP-11, SP-12, WQ-10)
83	Continue to enter all 319 grant dollars and mandatory data elements into the Grants Reporting Tracking System (GRTS) by Feb 15th of each year and provide timely review of national GRTS reports prepared for the state. (WQ-9)
84	Continue to ensure that watershed based plans developed using incremental dollars portion of the 319 funds will contain the 9 (a- i) elements specified in the 2004 guidance. (WQ-10)
85	Continue to submit an annual draft workplan and annual (or semi-annual) report(s) detailing the use of Section 319 funding for NPS staff, pass-through projects, and statewide NPS program activities, to EPA for approval. Identify match sources and amounts. Continue to submit reports describing progress on NPS pass-through projects. In addition, either in the PPA annual report or in the separate NPS report, include a summary of progress made towards implementation of the Vermont NPS Management Program.
86	Maintain current levels of funding to implement structural and non-structural BMPs and watershed projects that continue or enhance successful water quality restorations that can be reported to Congress and OMB, assuming federal s. 319 funding levels do not decline.
	<i>NPDES Development</i>

89	Work with the Region to implement the "Opportunities for Enhancement" (also known as Action Items) that have been identified through the Permit Integrity Profile process. The State will, at a minimum, complete those items targeted for FY 10 and undone items from prior years. (WQ-11)
90	The State will continue its progress to reduce and maintain the NPDES permit backlog to a level of no greater than 8% as practicable given legal constraints and available resources. (WQ-12a)
91	The State will maintain the pretreatment permit backlog to a level of no greater than 10%, as practicable given legal constraints and available resources. (WQ-14)
92	As resources allow, the State will continue to inspect Significant Industrial Users discharging to municipal treatment facilities with inspection coverage targeted at 50% annually. For FFY2010 ONLY, EPA, as resources allow, will attempt to augment these inspections to ensure combined inspection coverage of 80% with an understanding that the State will return to its 80% annual target in the future.
93	The State will make every effort to assure that it will issue and maintain current at least 95% of the "Priority Permits" that it has identified for each fiscal year. There are two priority permits in VT. (WQ-19a)
94	Confirm in writing by the DEC General Counsel, no later than October 1, 2009, that the current state statute related to CAFO permitting (10 VSA 1263(g)) authorizes Vermont ANR to immediately and fully implement the new (November, 2008) federal CAFO regulations.
95	Implement the new federal CAFO regulations, including (but not limited to) issuing CAFO permits to all farm operations subject to the federal CAFO regulations.
96	Continue to implement delegated NPDES storm water program, including Phase II MS4 permits, construction permits and industrial permits. (WQ-13b)
98	Re-issue the Phase II municipal storm water GP permit which as expired. MS4 stormwater permit to incorporate TMDL requirements), enhanced infiltration requirements, and enhanced illicit discharge detection and elimination (IDDE) requirements.(WQ-13b)
99	<i>TMDL Development</i>
100	Complete any remaining prior year TMDL commitments.(WQ-8b)
101	Commit to completion of 5 TMDLs for FY10, and provide a tentative list of waterbodies involved (future substitutions allowed). (WQ-8b)
102	Participate in Region 1/State/NEIWPCC TMDL efforts to improve environmental effectiveness of the TMDL program. (WQ-8b)
	<b>Objective 2.3 Enhance Science &amp; Research</b>
	<i>Water Monitoring</i>
103	Participate as feasible in New England REMAP projects, Biological Condition Gradient (BCG) workgroup, other biological/water quality monitoring activities, and attend relevant regional meetings/conferences (e.g., NEAEB).
104	Participate in or coordinate with EPA Office of Water's National Aquatic Surveys (NAS) and submit workplan reflecting level of participation.
	<b>GOAL 3: LAND PRESERVATION &amp; RESTORATION</b>
	<b>Objective 3.1 Preserve Land</b>
	<b>Sub-Objective 3.1.1 By 2011, Reduce Materials Through Product and Process Design and Increase Materials and Energy Recovery from Waste Otherwise Requiring Disposal</b>
	<i>Resource Conservation Challenge</i>
105	Due to staff reductions, DEC involvement in the RCC activities and work with other groups such as NERC and NEWMOA will be greatly reduced.
	<b>Sub-Objective 3.1.2 By 2011, Reduce Releases to the Environment by Managing Hazardous Wastes &amp; Petroleum Products Properly</b>
	<i>RCRA Training &amp; Meetings</i>
106	Attend EPA sponsored regional and national RCRA meetings and training as appropriate.
	<i>RCRA Permit Renewals</i>

107	Renew TSDf permits at one (1) TSDf and (1) Post Closure facility on 09-11 permit renewal baseline. (HWO)
	<i>UST</i>
108	Improve UST Operational Compliance: (a) maintain or increase number of field inspections to determine significant operational compliance.
109	Improve UST Operational Compliance: (b) continuing to improve operational compliance by .5% over rate of previous year. (ACS Code: ST6 / 3/1.2)
110	Requirement to inspect all regulated UST facilities once every 3 years, complete all inspections by 8/8/10 (1 year extension can be granted by EPA if necessary).
111	Reduce Number of Confirmed UST Releases Annually - Regional target of <400; In FY08, confirmed releases were 270 (<4% of National total). (ACS Code: ST1 / 3.1.2)
113	Continue development of operator training to be in place by August 2009. All operators must be trained by 8/08/12.
114	Post annual USTCA public record which will include: the number, sources, and causes of underground storage tank releases; the record of compliance by USTs; and data on the number of UST equipment failures in State. Second annual report due 12/31/09.
	<b>Objective 3.2 Restore Land</b>
	<b>Sub-Objective 3.2.1 By 2011, Reduce and Control the Risks Posed by Accidental and Intentional Releases of Harmful Substances Through Emergency Preparedness</b>
115	EPA will continue to work with Vermont on Homeland Security and emergency response readiness issues through routine, day-to-day coordination and the existing Regional Response Team mechanism. DEC will help EPA understand the role of other Vermont state and local agencies regarding emergency response readiness. This will be accomplished by facilitating meetings and using other mechanisms to introduce EPA emergency response staff and managers to their new Vermont counterparts.
	<b>Sub-Objective 3.2.2 By 2011, Control the Risk to Human Health and the Environment at Contaminated Properties or Sites Through Clean-up, Stabilization, or other Action and Make Land Available for Reuse</b>
	<i>Corrective Action Sites</i>
116	Achieve Human Exposures Controlled Under Current Conditions at one (1) facility. (CA1)
117	Achieve Contaminated Ground Water Migration Under Control at one (1) facility. (CA2)
118	Achieve site-wide Remedy Selection at one (1) facility.
119	Achieve Construction Complete at one (1) facility. (CA5)
120	Assessment of financial assurance current status for all new remedies.
121	Verify adequacy of financial assurance instrument for all remedies.
122	Attend the Region 1 Corrective Action Training Conference scheduled for December 2009 in Hartford, CT and other regional and national RCRA meetings as appropriate.
	<i>LUST</i>
123	Reducing the Clean-up Backlog: The National target for annual clean-ups completed of releases from leaking underground storage tanks (LUSTs) is 13,000. At end of year of FY08, cumulative number of 13,645 LUSTs clean-ups were completed in New England, with a backlog of 3,364. Specific number of LUST cleanups completed for Vermont in FY10 will be negotiated in fall 09. Not PPG eligible - funds are in separate LUST Trust Cooperative Agreement. (ACS Code: 112 / 3.2.2)
	<b>GOAL 4: HEALTHY COMMUNITIES &amp; ECOSYSTEMS</b>
	<b>Objective 4.2 Communities</b>
	<b>Sub-Objective 4.2.2 By 2011, 30 Communities with Potential Environmental Justice Concerns will Achieve Significant Measurable Environmental or Public Health Improvement Through Collaborative Problem Solving Strategies</b>
	<i>Environmental Justice</i>

124	As resources allow, in coordination with EPA New England, identify any ongoing and implement new activities that will advance environmental justice within state programs. Refer to EPA New England's EJ Functional Guidance Compendium, Chapter 9: Performance Partnership Agreements with States, for a list of potential activities that should be considered.
	<b>Objective 4.3 Ecosystems</b>
	<b>Sub-Objective 4.3.1 By 2011, Working With Partners, Achieve a Net Increase in Wetlands Acres with Additional Focus on Assessment of Wetland Condition</b>
	<i>Lake Champlain</i>
125	Provide annual updates on progress made toward meeting load reductions for the Lake Champlain phosphorus TMDL.
	<i>Wetlands</i>
126	For each year of the PPA the wetlands program will develop a work plan which identifies and describes how the program will work towards building and refining any element of a comprehensive wetland program specific to HQ and regional guidance on the subject. The PPA work plan will be specific to any competitive grants awarded during the period covered and will identify and meet the commitments related to the grants. (WT-2)
127	For each year of the PPA, produce the Annual Wetland Status and Trends Report which will assess strengths and deficiencies in the base program, identify areas of new or increased emphasis, recent program changes, innovations, emerging issues and future program objectives, and permitting information. Every five years (2010, 2015, etc.) look at trends and patterns for the previous five years. Note that the 2010 summary will be provided in 2011 (WT-2).
128	Continue to participate in the NEBAWWG biological monitoring and assessment initiative.
129	Continue implementing wetlands component of Comprehensive Surface Water Monitoring Strategy. (WT-4)
<b>GOAL 5: COMPLIANCE &amp; ENVIRONMENTAL STEWARDSHIP</b>	
	<b>Sub-Objective 5.1.1 By 2011, Prevent Noncompliance or Reduce Environmental Risks Through Compliance Assistance</b>
	<b>Sub-Objective 5.1.2 By 2011, Identify and Correct Noncompliance or Reduce Environmental Risks Through Compliance Incentives</b>
	<b>Sub-Objective 5.1.3 By 2011, Identify, Correct and Deter Noncompliance Through Monitoring and Enforcement</b>
130	Submit annual compliance monitoring plans containing descriptions of the state's compliance and enforcement programs, including projections for inspections and other priority activities. See "FY2010 Guidance for Compliance and Assistance and Innovative Program Strategies in New England Performance Partnership Agreements".
130(a)	Submit annual 2010 End of Year report on Compliance monitoring and Enforcement accomplishments, activities and results.
130(b)	Serve as an EPA contact for development of any plans for the state's assistance and innovation programs.
130(c)	At end of year 2010, provide a discussion on any plans that might have developed under 130(b), or provide a negative declaration.
131	Enter/send information necessary to satisfy the inspection, testing, compliance monitoring, and enforcement minimum data requirements (MDRs) to EPA's national AFS data system at least once every 60 calendar days (as required by the ICR). (CAA 16, CAA 17)
132	Identify/address/resolve HPVs in accordance with EPA's Timely and Appropriate Enforcement Response to High Priority Violators (the HPV policy), July 1999. Inform the EPA Region 1 liaison in person, by phone, or by email within 45 days of identifying/addressing/resolving an HPV. (CAA 16, CAA 17)
<b>CROSS CUTTING ISSUES</b>	
	<i>Re-Opener Clause</i>

133	The Regional Office will strive to honor the spirit of the PPA. In keeping with this spirit the Region will work with EPA HQ to limit the impact of unexpected demands on the states. To address new, very high priority issues that might emerge a re-opener clause will be included as part of this process permitting the Regional Office and/or the state to introduce necessary changes to the PPA.
	<i>Performance Partnership</i>
134	A process for jointly evaluating and reporting progress and accomplishments under the workplan must be developed and described in the workplan. The process must be based on a negotiated schedule. (40CFR35.115).
135	An annual written progress report must be submitted within 90 days after the end of the annual grant period. (40CFR35.115, 40CFR31.40).
136	Negotiate a new Performance Partnership Agreement to replace the expiring 2007-2009 agreement. Design and allow for public input and participation.
	<i>QMP QAPP</i>
137	Continue to implement the State Quality Management Plan (QMP) and submit an Annual Quality System Status Report to the EPA NE Quality Assurance Unit documenting progress, activities, and status of the organization's quality system. The report is comprised of three parts, as described below. The individual parts of the report may either be submitted together at one time or individually over the course of the year. Document, in Part A of the Report, assessments conducted during the past year; identify areas for improvement within the system; and describe, as applicable, other relevant quality-related topics such as training, development of guidance, and best practices.
138	Review the State QMP and summarize changes made to the QMP in Part B of the Annual Quality System Status Report.
139	Update the State Quality Assurance Project Plan (QAPP) inventory list, in Part C of the Annual Quality System Status Report, with new and active QAPPs, including Sampling and Analysis Plans/QAPP Addendums approved under generic Program QAPPs. All projects that involve environmental data produced from models, compiled from secondary data sources such as databases or literature, or collected directly from measurements to describe environmental processes and conditions shall have approved Quality Assurance Project Plans before the initiation of any work.
140	Designate a primary QA contact at the DEC to communicate and interact on a routine basis with the EPA QA Coordinator on quality system functions including, among other activities, coordinating Quality System Assessments to be conducted at least once every three years.
	<b>END</b>