

.

ENVIRONMENTAL PERFORMANCE AGREEMENT

between the

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION

and the

US ENVIRONMENTAL PROTECTION AGENCY, REGION I

for

FEDERAL FISCAL YEAR 1998



December 22, 1997

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CHAPTER 1 - PURPOSE OF THE AGREEMENT

PART I - STATEMENT OF PURPOSE

In federal fiscal year 1997, the Vermont Department of Environmental Conservation entered into its first Performance Partnership Agreement (PPA) with the Environmental Protection Agency. The Department believed that the opportunities to determine, in cooperation with Region I USEPA and the public, what environmental or public health issues deserved prioritization in the State of Vermont, made developing such an agreement a necessity. The Department decided to cover all of its water programs in the FFY 97 PPA, and add other programs at a future date.

Following the success of the FFY 97 process, the Department initiated the development of this PPA for its water, air, and waste programs. This agreement continues the new era of cooperation between the United States Environmental Protection Agency (USEPA), Region I, and the State of Vermont to jointly agree on the environmental and public health priorities facing the state, and develop programs geared to resolve those problems.

An important component of this process has been the establishment of public health and environmental indicators that will be used to measure the success of EPA and DEC in meeting the goals and objectives established by this agreement. The Department and EPA agreed on indicators covering the water programs in the 97 PPA, those indicators have been improved in this year's agreement, and indicators for the Air and Waste programs have been added. We expect this process to result in continuous improvement over the years ahead, both in the quality of indicators chosen, and our ability to use them in meaningful ways.

The agreement will also serve as the basis for grants from EPA to the state covering a portion of the costs of operating DEC's programs, as well as pass-thru funds for other related projects. DEC intends to apply for a PPG grant covering six previous water program grants, a separate PPG grant covering three previous waste and pollution prevention grants, and a categorical grant covering our Air program activities.. The development of the combined grants will simplify grant

administration, provide the opportunity to prioritize the use of these funds as set forth in this agreement, and allow a reduction in amount of state and federal resources devoted to grant oversight, reporting, and administration. These freed up resources can then be reallocated to more directly address the environmental and public health priorities identified in this agreement.

PART II - 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 a revised level of 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 necessary to manage the agreement and PPG from the federal point of view, as well as providing resources to carry out tasks directly related to environmental or public health improvement as specified in the agreement. It is anticipated that the agreement will provide the opportunity for the Department and EPA too work more closely and cooperatively together in addressing the established goals and priorities.

Part III - 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. Water Quality Cooperative Agreements (CWA Section 104(b)(3))
4. Wetlands Program Development (CWA Section 104(b)(3))

5. Public Water System Supervision (SDWA Sections 1443(a) and 1451(a)(3))
6. Underground Water Source Protection (UIC) (SDWA Section 1443(b))
7. Resource Conservation & Recovery Grant
8. Underground Storage Tank Grant
9. Pollution Prevention Incentive Grant
10. Clean Air Act Grant
11. Agriculture Water Quality Program

PART IV - CONTENTS OF THE AGREEMENT

Chapter 1

Establishes the purpose of the agreement, parties to the agreement, lists the federal grant programs covered by the agreement.

Chapter 2

Describes relationship between the Department planning process, goals and outcomes, and EPA core requirements. Brief summary of Department programs related to EPA requirements or programs.

Chapter 3

Summarizes the issues considered by DEC and EPA to be accorded higher priority during the agreement period. These issues will receive additional management oversight, will be considered last in any resource reduction actions,

and will be first in line for any unexpected resources that may become available during the agreement period.

Chapter 4

Covers other specific areas requiring agreement between DEC and EPA, including enforcement.

Chapter 5

Establishes reporting requirements for DEC, and delineates specific areas where EPA will assist the state over the agreement period.

CHAPTER 2 - DEPARTMENT PLANNING & PROGRAM DESCRIPTIONS

In 1996, the Department initiated its first comprehensive long range planning process. In order to complete detailed planning consistent with the strategic goals set by the Agency of Natural Resources, the Department utilized the Comprehensive Management System (CMS) planning process to develop both an initial long range strategic plan, and a yearly operational plan.

This planning work was used as the basis for the Federal Fiscal Year (FFY) 97 Performance Partnership Agreement (PPA) with EPA which covered only the Department's water programs, and will serve the same purpose for this FFY 98 PPA, covering all of the Department's programs related to EPA programs.

One of the first steps in the CMS process led the Department to develop the following new vision, mission, and guiding principle statements, to define the Department's purpose and overall philosophy of action.

VISION STATEMENT

We envision a Vermont where people live in harmony with diverse and healthy natural systems; appreciate and enjoy our natural resources; understand the environment; work together responsibly to reduce waste and risks to human health and the environment; and prosper without significant degradation of natural systems.

MISSION STATEMENT

To preserve, enhance, restore, and conserve Vermont's natural resources, and protect human health, for the benefit of this and future generations.

GUIDING PRINCIPLES STATEMENT

While working to achieve this mission, employees of the Department of Environmental Conservation will:

- *Adhere to the highest standards of personal and professional conduct.*
- *Act and speak in a manner that inspires public confidence and promotes the Department's credibility.*
- *Respect individual rights and minimize intrusions into people's lives.*
- *Be accountable, accessible, and helpful to the public.*
- *Provide clear, prompt, fair, and well-documented decisions and guidance.*
- *Improve Vermonter's understanding of the environment and related issues through effective communication and education*
- *Continue to learn about our environment, technology, and management techniques.*
- *Involve the people of Vermont in making decisions that affect the state's natural resources.*
- *Wisely pursue innovative approaches to environmental problems to determine their effectiveness.*
- *Promptly adopt proven new solutions to environmental problems.*
- *Coordinate programs across all environmental media.*
- *Promote pollution prevention, recycling, and consideration of the cumulative impacts of activities.*
- *Consistently and fairly apply and enforce environmental laws and standards.*
- *Develop standards and requirements that consider both economic and environmental sustainability.*
- *Always consider the consequences of today's decisions for future generations.*
- *Recognize that all powers and authority to carry out the Department's mission are derived from the people, and that Government works to the benefit of the public, not our convenience as state employees.*

DEFINITION OF PROGRAM AREAS

The Department revised its definition of Departmental programs, to more accurately reflect our broader approach to problem solving, rather than the traditional media by media approach we traditionally used. The new program names and their components are as follows:

- *Management of ecosystems (terrestrial, wetlands, surface water): Initials = ES*
- *Management of risks to health and public safety - Air Quality: Initials = Air*
- *Management of risks to health and public safety - Drinking Water Systems: Initials = DW*
- *Management of risks to health and public safety - Groundwater and Earth Materials: Initials = GW*
- *Management of Risks to health and public safety - Surface Water: Initials = SW*
- *Overall Environmental Management: Initials = MGT*

ESTABLISHMENT OF PROGRAM GOALS AND OBJECTIVES

The Department developed goals and objectives for each of the above program areas, and linked the work described by our individual project sheets to these goals. The development of these goals also took into consideration the desired Agency of Natural Resources outcomes.

The following table shows the connections between our program areas, goals, objectives, strategies, and associated projects. The project numbers refer to the individual project sheets, which are included in this agreement as Appendix A. Detailed information concerning the Department's proposed activities and level of effort will be found in these project sheets.

The Department expects to maintain all of our base media programs at the level shown in the project sheets during FFY 98.

Table 2-1

Summary of DEC Program Goals, Objectives, Problems, and Strategies (GOPS), Program Strategy Numbers (#) and Project names as of 12/20/96. Additional information on Projects can be found in the DEC Operation Plan.

Program	Goal	Objective	Problem	Strategy	#	Projects
Air	1.Prevent discharges of air contamination which may threaten health and the environment, or be offensive, from all sources of air pollution.	1.1 Annually maintain compliance with federal national ambient air quality standards, and by 2000 achieve compliance with Hazardous Ambient Air Standard (HAAS).	Stationary sources of air pollution contribute significant amounts of contaminants to the air in Vermont.	Use permit compliance and facility certifications to prevent discharges from stationary sources.	1	011 APC Permitting 056 WMD Solid Waste Management Program - Certification/Compliance 057 WMD Solid Waste Management Program - Technical Assistance 058 WMD Hazardous Waste Management Program
Air	See above	See above	See above	Use enforcement to maintain reductions in discharges from stationary sources.	2	012 APC Compliance 056 WMD Solid Waste Management Program - Certification/Compliance 057 WMD Solid Waste Management Program - Technical Assistance 058 WMD Hazardous Waste Management Program
Air	See above	See above	See above	Create economic incentives which reward compliance and minimize emissions.	3	013 APC Planning
Air	See above	See above	New and modified sources of air pollution contribute significant amounts of contaminants to the air in Vermont.	Issue permits and facility certifications to new and modified sources of air contaminants which require the use of most appropriate new technology.	4	011 APC Permitting 056 WMD Solid Waste Management Program - Certification/Compliance 057 WMD Solid Waste Management Program - Technical Assistance 058 WMD Hazardous Waste Management Program
Air	See above	See above	See above	Use Advanced Technology Vehicles to reduce motor vehicle air pollution.	5	015 APC Mobile Source Control 016 APC New Initiatives
Air	See above	See above	See above	Use motor vehicle emission inspections to	6	015 APC Mobile Source Control

Program	Goal	Objective	Problem	Strategy	#	Projects
				reduce motor vehicle air pollution.		016 APC New Initiatives
Air	See above	See above	Emissions upwind of Vermont contribute significant amounts of contaminants to the air in Vermont.	Use mechanisms and authorities of OTC, NESCAUM, STAPPA and IJC to effect changes.	7	013 APC Planning 016 APC New Initiatives
Air	2. Obtain the information needed to make appropriate planning decisions and for public education.	2.1 Annually collect and analyze the target amount of data needed to manage the Air Program.	Adequate computer resources and technical expertise to model sources of air contamination.	Acquire adequate computer resources and develop needed expertise.	8	013 APC Planning 014 APC Monitoring
Air	See above	See above	Staff properly trained in air quality dispersion modeling.	Train staff in air quality dispersion modeling.	9	011 APC Permitting 014 APC Monitoring
Air	See above	See above	Ambient conditions and other essential data are not monitored by permitted facilities.	Maintain an ambient air quality monitoring network.	10	014 APC Monitoring 016 APC New Initiatives
Air	See above	See above	See above	Acquire additional data needed to assess compliance with HAAS.	11	011 APC Permitting 012 APC Compliance 013 APC Planning 014 APC Monitoring 016 APC New Initiatives
Drinking Water (DW)	3. Safe drinking water for all Vermont water systems.	3.1 Annually safe drinking water is available to 99% of all non-public water systems.	Several proposed human-made sources of contamination pose a threat to sources of drinking water in Vermont.	Control potential sources of contamination through permitting and adequate setbacks.	12	056 WMD Solid Waste Management Program - Certification/Compliance 059 WMD Underground Storage Tank Program 086 WSD Permits/Approvals 112.WWD Issue indirect discharge permits. 111 WWD Issue Regional Office

Program	Goal	Objective	Problem	Strategy	#	Projects
						Permits
DW	See above	See above	Sources of drinking water may be contaminated from nearby existing sources of contamination.	Permit new locations of drinking water sources, under our jurisdiction, with setbacks from sources of contamination.	1 3	086 WSD Permits/Approvals 111 WWD Issue Regional Office Permits
DW	See above	See above	See above	Provide public information on locations of contamination.	1 4	094 WSD Resource Management 095 XD WSD Ground Water Coordinating Committee
DW	See above	See above	See above	Provide bottled water and/or treatment to contaminated water systems.	1 5	060 WMD Technical Services 061 WMD Sites Management Program
DW	See above	See above	Lack of protection of lands around public water system sources can result in contamination.	Implement Public Community Water System source protection planning.	1 6	086 WSD Permits/Approvals 094 WSD Resource Management
DW	See above	See above	Drilled well construction can adversely effect drinking water quality.	Regulate, investigate, and enforce well construction to ensure minimum construction and location standards are met.	1 7	092 WSD Licensing/Certification 094 WSD Resource Management 096 XD WSD Well Drillers Advisory Committee,
DW	4. Safe drinking water is consistently and reliably provided to bottled water company and public water system customers.	4.1 Annually, 99% of new construction for bottled water companies and public water systems meet construction standards.	Not all bottled water companies and public water systems voluntarily adhere to State and Federal construction standards.	Permit and enforce new construction for bottled water companies and public water systems.	1 8	086 WSD Permits/Approvals
DW	See above	See above	See above	Provide loans and grants to qualifying public water systems. Oversee preliminary planning, final design, construction phases.	1 9	043 XD FED - Water Supply Projects Implementation 093 WSD Financial Aid Administration
DW	See above	4.2 By 2005, 75% of	Public water systems,	Support passage of the SDWA Reauthorization	2 0	091 WSD Program Management

Program	Goal	Objective	Problem	Strategy	#	Projects
		existing bottled water companies and public water systems meet construction standards.	especially those privately owned, lack the funding to provide improvements.	which includes SRF funding.		
DW	See above	See above	See above	Provide loans and grants to qualifying public water systems. Oversee preliminary planning, final design, construction phases.	2 1	043 XD FED - Water Supply Projects Implementation 093 WSD Financial Aid Administration
DW	See above	See above	Not all bottled water companies and public water systems voluntarily adhere to State and Federal Construction Standards.	Use operating permits and risk- based enforcement to encourage compliance with construction standards.	2 2	085 WSD Sanitary Surveys 086 WSD Permits/Approvals
DW	See above	4.3 By 2000, 80% of existing bottled water companies and public water systems meet water quality standards.	Public water system operators and managers lack the knowledge and skills to adequately operate public water systems.	Provide operators and managers information on all aspects of operating public water systems and complying with regulatory requirements.	2 3	085 WSD Sanitary Surveys 086 WSD Permits/Approvals 087 WSD Information/Education 088 WSD Compliance/ Enforcement 090 WSD Data Management
DW	See above	See above	Not all bottled water companies and public water systems voluntarily adhere to state and federal operation standards.	Use operating permits and risk- based enforcement to encourage compliance with operation standards.	2 4	087 WSD Information/Education 088 WSD Compliance/ Enforcement 090 WSD Data Management
DW	See above	See above	Public water systems become threatened or contaminated for a variety of reasons.	Take immediate steps needed to reduce risk to users of public water systems.	2 5	089 WSD Emergency/Response
DW	See above	See above	Public water systems, especially	Provide loans and grants to qualifying public water systems. Oversee	7 0	043 XD FED - Water Supply Projects Implementation

Program	Goal	Objective	Problem	Strategy	#	Projects
			those privately owned, lack the funding to provide improvements.	preliminary planning, final design, construction phases.		093 WSD Financial Aid Administration
DW	5. Obtain the information needed to make appropriate planning decisions and for public education.	5.1 Annually collect and analyze the target amount of data needed to manage the Drinking Water Program.	Limited resources are available to collect data on water systems.	Use public water system reporting to acquire data on public water systems.	2 6	085 WSD Sanitary Surveys 090 WSD Data Management 091 WSD Program Management
DW	See above	See above	See above	Conduct targeted surveys to collect data on the highest risk public water systems.	2 7	085 WSD Sanitary Surveys
Ground Water (GW)	6. Maintain existing potable quality of Vermont's ground water.	6.1 By 2001 reduce the number of exposures from new sources of contamination by 20%.	Several proposed human-made sources of contamination pose a threat to ground water.	Regulate new sources of contamination and include criteria to prevent ground water contamination.	2 8	056 WMD Solid Waste Management Program Certification/Compliance 059 WMD Underground Storage Tank Program 607 WMD Rulemaking 612 Waste Transporters Certification 086 WSD Permits/Approvals 117 WWD Issue Biosolids management certificates
GW	See above	See above	New releases of contaminants pose a risk to the public.	Investigate and ensure that appropriate risk reduction actions are taken at spill sites.	2 9	062 WMD Field Services and Spill Response
GW	See above	See above	See above	Provide loans and grants to qualifying facilities to control sources which may contaminate ground water.	3 0	044 XD FED - Solid Waste Projects Implementation 063 WMD Solid Waste Grant Administration
GW	7. Improve the quality of and reduce the risks from non potable ground water.	7.1 By 2001, reduce the number of exposures from existing sources of contamination by 50%.	Existing regulated facilities which may discharge contaminants to ground water may not continue to comply with	Maintain and augment where necessary ongoing inspection, operator certification, regulation, technical assistance, and enforcement efforts to assure compliance.	3 1	032 XD EAD Permit Coordination 035 XD Compliance Coordination 056 WMD Solid Waste Management Program Certification/Compliance 058 WMD Hazardous

Program	Goal	Objective	Problem	Strategy	#	Projects
			requirements.			Waste Management Program 059 WMD Underground Storage Tank Program 061 WMD Sites Management Program 062 WMD Field Services and Spill Response 086 WSD Permits/Approvals 096 XD WSD Well Driller Advisory Committee 117 WWD Issue Biosolids management certificates 115 WWD Rulemaking 114 WWD Licensing
GW	See above	See above	Limited funds are available to clean up known contaminated sites.	Use risk-based ranking to clean up sites on a priority basis.	3 2	061 WMD Sites Management Program
GW	See above	See above	See above	Provide grants as appropriate to assist in evaluation and cleanup of contaminated sites.	3 3	061 WMD Sites Management Program 063 WMD Solid Waste Management Grants Administration
GW	See above	See above	See above	Provide loans and grants to qualifying facilities to control sources which may contaminate ground water.	7 3	044 XD FED - Solid Waste Projects Implementation 063 WMD Solid Waste Grant Administration
GW	8. Obtain the information needed to manage the Ground Water program and provide public education materials.	8.1 Annually collect and analyze the target amount of data needed to manage the Ground Water Program.	Limited resources are available to collect and analyze data on ground water.	Use reporting from regulated facilities to collect data on ground water.	3 4	061 WMD Sites Management Program 610 WMD Solid Waste Technical Assistance 086 WSD Permits/Approvals 116 WWD Compliance and Inspections
GW	See above	See above	See above	Implement GIS mapping to track locations important to managing ground water.	3 5	060 WMD Solid Waste Technical Assistance 810 WSD Resource Management
GW	See above	See above	See above	Coordinated collection and analysis of data from	3 6	810 WSD Resource Management

Program	Goal	Objective	Problem	Strategy	#	Projects
				sources outside of DEC on ground water		095 XD WSD Ground Water Coordinating Committee
GW	See above	See above	See above	Hire a ground water coordinator.	37	810 WSD Resource Management 095 XD WSD Ground Water Coordinating Committee
GW	See above	8.2 By 1998, complete a Vermont plan to coordinate the management of ground water in Vermont.	Parties managing ground water in Vermont need guidance to make a coordinated ground water protection plan.	Develop a Coordinated State Ground Water Protection Plan.	38	810 WSD Resource Management 095 XD WSD Ground Water Coordinating Committee
Surface Water (SW)	9. Protect human health and property from surface water hazards.	9.1 Annually maintain the current low level of property and human losses from flooding, and develop quantitative measures by 1998.	Existing dams pose a threat to human health and property.	Continue to maintain state owned dams.	39	046 FED - Agency Dams: Repair and Maintenance 048 FED - Dam Safety Program
SW	See above	See above	See above	Inspect private dams and encourage owners to maintain or repair dam integrity. Review and approve maintenance and repair proposals and document proper construction.	40	048 FED - Dam Safety Program
SW	See above	See above	New dams pose a threat to human health and property.	Review dam construction proposals for safety concerns, issue construction certificates, and document proper construction.	41	048 FED - Dam Safety Program
SW	See above	See above	Floodplain development poses a threat to human health and property.	Ensure all municipalities have adequate floodplain development ordinances to protect public health and safety from flooding.	42	050 FED Tech Assistance 076 WQD Floodplain Management
SW	See above	9.2 Annually assure that ambient surface waters	Regulated facilities or activities and pesticide users	Assure that facilities or activities that discharge to or could impact surface water, and	43	070 WQD Aquatic Nuisance Management<> 075 WQD Point &

Program	Goal	Objective	Problem	Strategy	#	Projects
		quality poses an acceptable risk to human health.	may not comply with health and safety standards when making discharges to surface waters.	pesticide users, comply with health and safety standards using inspections, operator certification, regulation, technical assistance, and enforcement.		Nonpoint Source Management 080 XD WQD Water Quality Rules Committee 121.WWD XD Municipal Self Assessment Program Review, Davis
SW	See above	See above	Out-of-state sale of pesticides may result in contamination of lakes.	Encourage the federal government to control the interstate sale of restricted-use pesticides.	4 4	070 WQD Aquatic Nuisance Management<>
SW	See above	See above	Some existing sewage treatment facilities make discharges to surface water which do not meet standards.	Identify and rank order of priority facilities for encouragement to comply with standards using funding, technical assistance, regulation, and enforcement.	4 5	050 FED Tech Assistance 116 WWD Compliance and Inspections 119 WWD Technical or Administrative Assistance
SW	See above	See above	Lake encroachments and stream alteration projects may not comply with standards.	Use permits, technical assistance, and enforcement to ensure encroachments and stream alterations do not endanger public health or safety.	4 6	072 WQD Lakeshore and Streambank Management
SW	10. Foster quality recreational experiences on surface waters which do not adversely affect surface water use and values.	10.1 Annually maintain our current efforts to foster quality recreational experiences on surface waters.	Recreation areas need maintenance for safety and appearance and overview during recreation season to deter vandalism and assure safety.	Administration of recreational area contracts.	4 7	047 FED - Agency Dams: Recreation Activities
SW	See above	See above	Changes in lake levels, supported by state- owned dams, may adversely affect recreational quality.	Maintain the lake levels of lakes supported by state-owned dams at the Water Resources Board levels.	4 8	046 FED - Agency Dams: Repair and Maintenance
SW	See above	See above	Other departments and agencies	Coordinate with and provide comments to appropriate departments	4 9	073 WQD Basin & Waterbody Planning

Program	Goal	Objective	Problem	Strategy	#	Projects
			are responsible for permitting recreational use of surface waters.	and agencies to assure quality recreational experiences on surface waters.		
SW	11. Obtain the information needed to manage the Surface Water program.	11.1 Annually collect and analyze the target amount of data needed to manage the Surface Water Program.	Limited resources are available to collect and analyze data on surface water.	Use reporting from regulated facilities to collect data on surface water.	50	116 WWD Compliance and Inspections
SW	See above	See above	Lack information regarding health and safety impacts of potential discharges and activities. Lack ambient surface water data to determine existing risks to human health.	Design and implement efficient and effective monitoring programs and research projects to evaluate health risks of potential activities and existing risks in surface waters.	51	070 WQD Aquatic Nuisance Management<> 071 WQD Monitoring
Eco-systems (ES)	12. Protect and maintain the quality of existing healthy surface water and wetland ecosystems.	12.1 Annually protect and maintain the 1996 levels of surface water and wetland ecosystem quality and develop more quantifiable measures by 2000.	Existing regulated facilities and activities that discharge contaminants which may reach surface waters or that reduce flows may not comply with ecosystem protection requirements.	Maintain ongoing monitoring, inspection, operator certification, regulation, reporting, training, technical assistance and enforcement efforts to assure compliance of existing facilities and activities.	52	029 EAD Training/ DEC I&E 032 XD EAD Compliance Coordination 033 XD EAD Permit Coordination 069 WQD Wetlands Management 070 WQD Aquatic Nuisance Management<> 072 WQD Lakeshore & Streambank Management 074 WQD Flow Management 075 WQD Point & Nonpoint Source Management 114 WWD Licensing 113 WWD Issue direct discharge permits 121.WWD XD Municipal Self-Assessment Program Review, Davis

Program	Goal	Objective	Problem	Strategy	#	Projects
ES	See above	See above	Proposed discharges or activities which could impact surface water and wetland ecosystems or reduce flows may not comply with ecosystem protection requirements.	Use special studies, modeling, technical assistance, regulation, and enforcement to ensure proposed direct and indirect surface water and wetland discharges or activities do not adversely affect surface water and wetland ecosystems.	5 3	033 XD EAD Permit Coordination 069 WQD Wetlands Management 070 WQD Aquatic Nuisance Management<> 072 WQD Lakeshore & Streambank Management 073 WQD Basin & Waterbody Planning 074 WQD Flow Management 075 WQD Point & Nonpoint Source Management 123 WWD Special Projects
ES	See above	See above	See above	Review, comment on, and provide technical assistance as needed for all Act 250, Agency of Transportation, pesticide, and other extra-Agency permit applications to ensure compliance with ecosystem protection standards.	5 4	021 XD CO Act 250 review, comment and assistance 072 WQD Lakeshore & Streambank Management<> 075 WQD Point & Nonpoint Source Management<>;
ES	See above	See above	Several activities which may adversely impact surface water and wetland ecosystems are beyond the regulatory jurisdiction of DEC.	Encourage other provinces, states, the federal government, and Vermont state and local officials to use their authority and resources to control activities which may impact surface water and wetland ecosystems.	5 6	070 WQD Aquatic Nuisance Management<> 073 WQD Basin & Waterbody Planning<> 075 WQD Point & Nonpoint Source Management<> 119 WWD Technical or Administrative Assistance
ES	See above	See above	See above	Provide information, technical assistance, and financial assistance to encourage local organizations and individuals to promote surface water and wetland protection through their activities.	5 7	069 WQD Wetlands Management 070 WQD Aquatic Nuisance Management<> 072 WQD Lakeshore & Streambank Management 073 WQD Basin & Waterbody Planning<> 075 WQD Point & Nonpoint Source Management<> 077 WQD Water

Program	Goal	Objective	Problem	Strategy	#	Projects
						Resources Information and Education <>
ES	See above	See above	Existing policies, procedures, regulations, and statutes may not adequately protect surface water and wetland ecosystems.	Change existing or develop additional policies, procedures, regulations, and statutes as needed to ensure ecosystem protection.	58	030 XD EAD Rules Coordination 073 WQD Basin & Waterbody Planning<> 074 WQD Flow Management 075 WQD Point & Nonpoint Source Management<> 123 WWD Special Projects
ES	See above	See above	In order to continue to afford ecosystem protection measures, many municipalities need assistance in the financial management of their municipal wastewater systems to assure fair rate assessments, reasonable user charges, and a financially sound utility.	Provide municipalities technical assistance on finances and business.	59	049 FED - Municipal Utility Financial Management Assistance 119 WWD Technical or Administrative Assistance
ES	See above	12.2 Facilitate the construction of the proper municipal pollution control facilities to maintain water quality.	Municipalities need funds and guidance to implement needed or desired pollution control system improvements.	Provide technical direction to, and administer available funding for, municipal pollution control projects.	55	042 FED - Pollution Control Projects Implementation
ES	13. Improve the quality of degraded surface water and wetland ecosystems.	13.1 Annually achieve measurable improvements in surface water and wetland ecosystem.	State-led wetland ecosystem and surface water improvement projects need local involvement, and locally-led projects need state financial	Secure funding, distribute grants, provide technical assistance, pursue local assistance, and facilitate local efforts in surface water and wetland ecosystem restoration projects.	60	069 WQD Wetlands Management 070 WQD Aquatic Nuisance Management<> 072 WQD Lakeshore & Streambank Management 073 WQD Basin & Waterbody Planning<> 075 WQD Point &

Program	Goal	Objective	Problem	Strategy	#	Projects
			and technical assistance.			Nonpoint Source Management<> 077 WQD Water Resources Information & Education 119 WWD Technical or Administrative Assistance
ES	See above	13.2 Facilitate the construction of the necessary municipal pollution control facilities to obtain desired water quality.	Municipalities need funds and guidance to implement needed or desired pollution control system construction.	Provide technical direction to, and administer available funding for, municipal pollution control projects.	6 1	042 FED - Pollution Control Projects Implementation
ES	14. Obtain the information needed to manage the Ecosystem Program.	14.1 Every five years, assess the water quality and wetlands in the entire state at the level necessary to allocate resources to efficiently manage ecosystems.	Annually, more ecosystem protection, improvement, and restoration projects exist than resources will support.	Conduct statewide planning to identify and prioritize surface water and wetland ecosystem needs.	6 2	073 WQD Basin & Waterbody Planning<> 075 WQD Point & Nonpoint Source Management<> 116 WWD Compliance and Inspections 118 WWD Tracking systems management
ES	See above	14.2 Annually collect and analyze the target amount of data needed to manage the Ecosystem Program.	Limited resources are available to collect , analyze, and manage data on ecosystems.	Use reporting from regulated facilities to collect data on surface water and wetland ecosystems, and data on status of facilities.	6 3	116 WWD Compliance and Inspections
ES	See above	See above	Lack an efficient and accessible data information system.	Use Information Coordination Team.	6 4	034 XD EAD Information Management Coordination
ES	See above	See above	See above	Maximize the use of volunteers to collect data on ecosystems.	6 5	070 WQD Aquatic Nuisance Management<> 071 WQD Monitoring 073 WQD Basin & Waterbody Planning<> 075 WQD Point &

Program	Goal	Objective	Problem	Strategy	#	Projects
						Nonpoint Source Management<>
ES	See above	See above	See above	Assure funds are in Department budget to acquire cost-effective computer resources to manage data.	6 6	034 XD EAD Information Management Coordination
ES	See above	See above	Lack of information and data needed to assess existing surface water and wetland ecosystem status and evaluate future program effectiveness.	Conduct efficient and effective monitoring programs and gather additional information necessary to evaluate ecosystem status and trends and program effectiveness.	6 7	069 WQD Wetlands Management 070 WQD Aquatic Nuisance Management<> 071 WQD Monitoring 073 WQD Basin & Waterbody Planning 074 WQD Flow Management 075 WQD Point & Nonpoint Source Management 123 WWD Special Projects
Management (MGT)	15. People comply with statutes and rules which are administered and enforced in a fair and consistent manner.	15.1 By 1998, complete the streamlining and coordination of DEC enforcement.	Difficulty in obtaining adequate judgements from the Environmental Court.	Fine tune our case development, proof, and presentation to the court.	6 8	122 WWD Enforcement
MGT	See above	See above	The DEC Enforcement Division has been moved to the Agency of Natural Resources.	Develop new relationship with the Agency Enforcement group.	6 9	035 XD EAD Compliance Coordination Project 069 WQD Wetlands Management 070 WQD Aquatic Nuisance Management<> 072 WQD Lakeshore & Streambank Management 122 WWD Enforcement
MGT	See above	See above	Public is unaware of its environmental obligations under law.	Educate the regulatory community.	7 1	122 WWD Enforcement
MGT	See above	See above	See above	Develop and implement uniform NOAV issuance and tracking process	7 2	034 XD EAD Information Management

Program	Goal	Objective	Problem	Strategy	#	Projects
				throughout the DEC.		Coordination 035 XD EAD Compliance Coordination Project
MGT	See above	15.2 By 1997, consider Supplemental Environmental Projects (SEPs) on 100% of enforcement settlements and incorporate them as appropriate.	SEP initiative only recently formulated. Historically, SEPs not a priority and seldom used.	Formally adopt a SEP procedure and train appropriate staff in its implementation.	7 4	034 XD EAD Information Management Coordination 035 XD EAD Compliance Coordination Project
MGT	See above	15.3 By 1998, consider whole facility enforcement approach on 100% of cases and implement as appropriate.	Historically, actions have been single media; whole facility takes coordination and generally more time than single media action.	Continue development of whole facility enforcement procedures and implementation plan.	7 5	035 XD EAD Compliance Coordination Project
MGT	16. Improve compliance with all environmental laws, rules, and permits.	16.1 By 1998, develop an overall compliance measure for DEC and implement actions to improve overall compliance.	DEC rules are not easy to understand and comply with.	Rewrite 20% of DEC rules each year to make them easier to understand.	7 6	030 XD EAD Rules Coordination 042 FED - Pollution Control Projects Implementation 115 WWD Rulemaking
MGT	See above	See above	DEC and permittees use more resources than necessary on permit issuance and management, detracting from compliance effort.	Expand use of permits by rule, general permits, and professional certifications, and dedicate freed-up resources to compliance efforts.	7 7	032 XD EAD Permit Coordination
MGT	See above	See above	Small businesses need assistance to comply with	Develop, pilot, and implement Small Business Compliance Assistance project.	7 8	028 EAD Assistance

Program	Goal	Objective	Problem	Strategy	#	Projects
			DEC rules.			
MGT	See above	See above	An overall compliance measure for all DEC programs may not be possible.	Review broad-based measure options in a team with recommendations.	79	035 XD EAD Compliance Coordination
MGT	See above	See above	Individuals with prior criminal records may be less likely to comply with environmental laws.	Implement the "bad actors" law relating to solid waste.	80	056 WMD Solid Waste Certification/Compliance
MGT	17. Incorporate comprehensive planning into the management of the department, to use and enhance available funds and positions, effectively and efficiently, with full staff input.	17.1 Use the Comprehensive Management System (CMS) to build the FY 1997 federal and FY 1998 state budget using a qualitative ranking system for projects.	CMS has not been used by DEC in the past and there is limited experience to apply it to DEC.	Use the DEC planning team to develop a CMS for the upcoming budget presentation.	81	031 XD EAD Planning Coordination
MGT	See above	See above	See above	Use the planning team members as internal coordinators and meeting summaries to keep staff up to date on CMS implementation.	82	031 XD EAD Planning Coordination
MGT	18. To provide clear, timely, helpful, and competent service to our customers, and to achieve a relationship of trust and cooperation.	18.1 By 1998 improve our overall good to excellent satisfaction rating to 62% from the 57% in 1995.	DEC permit application processing practices could be more efficiently and effectively administered.	Develop improvements to application processing practices; i.e., jurisdiction determinations, explaining the process to applicants, conflict identification, incompatible data systems, inconsistencies, conflicts, lack of cross-program knowledge, etc.	83	032 XD EAD Permit Coordination 033 EAD Permit Assistance 111 WWD Regional Office permits 116 WWD Compliance and Inspections 119 WWD Technical or Administrative Assistance
MGT	See above	See above	See above	Use coordinated permitting on technical	84	032 XD EAD Permit Coordination

Program	Goal	Objective	Problem	Strategy	#	Projects
				review, team review on larger projects, and conflict resolution procedure.		
MGT	See above	See above	We need to know our customers needs and expectations better to make changes in DEC services.	Continue, refine and expand customer surveys, including target audiences such as; permit applicants, business community, general public, etc.	8 5	032 XD EAD Permit Coordination 031 XD EAD Planning Coordination
MGT	19. To provide requested technical assistance to municipalities, federal agencies, and other state agencies and departments.	19.1 Provide the requested technical assistance in a competent and timely manner.	Municipalities, federal agencies, and other state agencies and departments want technical advice and assistance based on our experience and technical expertise.	Continue to provide technical reviews and assistance as resources allow.	8 6	050 FED - Technical Assistance
MGT	20. The public is aware of the significance of our natural resources and their vulnerabilities, and is involved in determining our future goals.	20.1 Annually respond to all requests for information on all aspects of the Department's responsibilities.	More requests for assistance are made than can be responded to individually.	Use general materials to respond to individual requests for assistance; use written letters, phone, or personal assistance. Use testimony only when absolutely necessary.	8 7	069 WQD Wetlands Management 070 WQD Aquatic Nuisance Management<> 072 WQD Lakeshore & Streambank Management 073 WQD Basin & Waterbody Planning<> 075 WQD Point & Nonpoint Source Management<> 077 WQD Water Resources Information & Education 119 WWD Technical or Administrative Assistance
MGT	See above	20.2 Annually provide targeted audience public information which addresses all aspects of DEC's	Staff and resource constraints to produce existing and new materials.	Focus and enhance existing division efforts to send out information.	8 8	029 EAD Training/ DEC I&E

Program	Goal	Objective	Problem	Strategy	#	Projects
		responsibilities.				
MGT	See above	See above	DEC has no overall I&E focus, though some divisions do.	Charge an Information and Education coordination team with developing a DEC I&E plan.	89	027 EAD Information and Education
MGT	21. Wise use and efficient consumption of resources in a manner that forever promotes the consistent availability of our renewable resources, while maintaining the integrity of ecosystems.	21.1 Annually maintain existing efforts and develop improved approaches to enable Vermonters to maintain sustainable use of our natural resources.	Existing standards for public health and safety and ecosystem protection become outdated as new information is obtained.	Routinely review and revise or comment on the regulatory or other standards enforced by the Department.	90	030 XD EAD Rule Coordination
MGT	See above	21.2 By 2000, achieve a 40% reduction in solid waste disposal, 45% reduction in hazardous waste generated, and 15% reduction in toxics used by Vermont business and industry.	Pollution prevention is not yet uniformly widely used by Vermont businesses and citizens.	Implement Pollution Prevention efforts (public and employee education, incorporation into rules, permits and routine inspection reports, business technical assistance, and business plan review and recognition).	91	027 EAD Information and Environmental Leadership 028 EAD Assistance 029 EAD Training/DEC I&E 030 XD EAD Rules Coordination 032 XD EAD Permit Coordination 035 EAD Compliance Coordination
MGT	See above	See above	Businesses and municipalities do not recognize opportunities and benefits of using recycled materials.	Use grants and publications to encourage use of recycled feedstock and composting.	92	027 EAD Information and Education 028 EAD Assistance
MGT	See above	See above	State government needs to lead by example in areas of pollution prevention and	Conduct a review of state practices and implement recommendations.	93	026 EAD Environmental Leadership

Program	Goal	Objective	Problem	Strategy	#	Projects
			resource conservation.			
MGT	See above	See above	See above	Provide technical assistance to citizens, local government, and businesses on all aspects of resource conservation and recycling.	94	027 EAD Information and Education 028 EAD Assistance
MGT	See above	See above	See above	Provide grants to municipalities to implement waste management systems.	95	063 WMD Solid Waste Grants Administration
MGT	See above	See above	Local implementation of waste reduction and recycling efforts are needed and need to be coordinated at the state level.	Review and approve municipal solid waste management plans.	96	064 WMD Solid Waste Policy and Planning
MGT	See above	See above	Without monetary incentives, many people will not recycle and/or reuse some beverage containers.	Implement the bottle bill legislation.	97	056 WMD Solid Waste Program Certification/Compliance
MGT	See above	See above	Consumers continue to purchase products that result in hazardous waste.	Implement shelf-labeling statute.	98	027 EAD Information and Education
MGT	See above	See above	People need to know how to properly dispose of hazardous waste.	Provide guidance for unregulated hazardous waste.	99	027 EAD Information and Education
MGT	22. Effective Department Management.	22.1 By 1/1/98, have 80% of staff and the public view DEC management as effective.	Management not prioritizing new projects against existing workload and making adjustments.	Develop CMS-based process to prioritize and adjust workload.	100	020 XD CO Commissioners Management Team 031 XD EAD Planning Coordination
MGT	See above	See above	Management	Require all managers and	1	020 XD CO

Program	Goal	Objective	Problem	Strategy	#	Projects
			actions cause low staff morale.	supervisors to take core training.	0 1	Commissioners Management Team
MGT	See above	See above	See above	Assure routine supervisory actions are completed (performance evaluations, employee recognition, communication, etc.)	1 0 2	020 XD CO Commissioners Management Team
MGT	See above	See above	See above	Assure routine management actions are completed. (Use the Vision, Mission, Guiding Principles, and Philosophy of Management and Supervision. Develop career ladders, action teams, etc.)	1 0 3	020 XD CO Commissioners Management Team 031 XD EAD Planning Coordination
MGT	See above	See above	Municipalities may not appropriately use DEC managed loans and grants.	Administer grants and loans under the control of DEC.	1 0 4	045 FED - State Revolving Fund Management 070 WQD Aquatic Nuisance Management <>
MGT	See above	22.2 Annually conduct studies to determine most appropriate use of environmental technologies in Vermont.	Limited funds are available to pursue applied research.	Apply for special funding sources to support applied research.	1 0 5	070 WQD Aquatic Nuisance Management<> 073 WQD Basin & Waterbody Planning 075 WQD Point & Nonpoint Source Management <>
MGT	See above	22.3 By 1998, use multi-media inspection approaches at 100% of industrial inspections.	Multi-media inspections have not been used by DEC in the past and there is limited experience.	Develop multi-media inspection protocols, train inspectors, and implement multi-media inspections.	1 0 6	035 XD EAD Compliance Coordination
MGT	See above	22.4 By 1997, streamline the wetlands protection program and obtain an unfettered funding source.	Limited state funding and heavy dependence on federal funding with conditions has impeded implementation of the Wetland Rules.	Augment funding from state sources and streamline the permitting process.	1 0 7	069 WQD Wetlands Management<>

Program	Goal	Objective	Problem	Strategy	#	Projects
MGT	23. Provide cost effective and accurate laboratory data.	23.1 By 1998, maintain the current level of accuracy and improve cost effectiveness by target amount.	DEC's downsizing has reduced laboratory staffing and budget.	Review and streamline existing annual operations to reduce cost and improve efficiency while seeking ways to increase revenues.	108	078 WQD Laboratory Services
MGT	See above	See above	See above	Participate in a program to establish and provide collaborative analytical laboratory services between state-operated laboratory facilities <>.	109	078 WQD Laboratory Services
MGT	24. Improve and update information systems used in DEC.	24.1 Annually develop and implement the Department information system plans.	Need to coordinate information system planning among the divisions of DEC.	Use the Information Coordination Team to develop and implement improved data and information systems, budgets, training, practices, and procedures for all programs.	110	034 XD EAD Information Management Coordination <>
MGT	25. Employees are continually trained in career-related topics.	25.1 Annually implement individual employee training programs.	Employees have limited access to new information on changing sciences and management techniques.	Develop and fund annual individual employee training opportunities which may include periodicals, conferences, professional contacts, and local training events.	111	029 EAD Training/ DEC I&E
MGT	26. To keep environmental standards used in regulatory projects current.	26.1 Annually assure that standards used in regulatory projects are no more than 5 years out dated.	The federal government and scientific community continually update standards used by DEC.	Update the needed rules, procedures, and statutes to keep our standards current.	112	030 XD EAD Rule Coordination 073 WQD Basin & Waterbody Planning <> 074 WQD Flow Management 075 WQD Point & Nonpoint Source Management
MGT	27. To obtain the funds needed to effectively administer the programs and projects of the Department.	27.1 Annually continue to develop more stable funding sources.	Limited authority exists to establish fees needed to support a larger portion of the DEC budget.	Pursue additional authority to raise fees to support services. Where appropriate, consider relationships between fees generated and cost of projects.	113	020 XD CO Commissioners Management Team
MGT	28. Enable F&W and FP&R capital	28.1 F&W and FP&R projects implemented	Statute directs DEC to implement	Obtain capital funds and provide planning, design, and construction phase	111	051 FED - FP&R Project Implementation 052 FED - F&W

Program	Goal	Objective	Problem	Strategy	#	Projects
	construction project implementation.	as needed.	needed Agency capital construction projects.	engineering to implement the projects.	4	Project Implementation

RELATIONSHIP OF DEPARTMENT GOALS AND OBJECTIVES TO EPA CORE PERFORMANCE MEASURES

The Department has compared the EPA Core Performance Measures against its established goals and objectives for FFY 98, and has determined that the Department’s proposed activities adequately address the EPA requirements. The following table compares the Core Performance Measures against the Department’s goals, and indicates the projects which will deal with the EPA requirements, as well as the indicators we expect to use to measure our progress in these areas. As part of the PPA and national reporting requirements, DEC will report on all core measures including indicators, outcomes, outputs, and associated reporting requirements except where VT and EPA have jointly agreed that the measure is not applicable and/or not appropriate. In general, we feel that this document will satisfy the core performance measures. If, however, EPA and/or the state identifies gaps, we will work together to provide the necessary information to EPA.

Table 2-2
Enforcement and Compliance Assurance Programs

EPA Env. Goal	EPA Env. Indicator or Core Prog. Outcome	State Goal	State Project Number(s)	State Proj. Indicators
State Enforcement & Compliance Assurance	1. Env. and/or public health benefits achieved through inspection and enforcement activities. 2. Rates of Significant noncompliance by industry sector and by media	(15) People comply with statutes and rules which are administered in and enforced in a fair and consistent manner.	012, 034, 035, 056, 058, 059, 061, 069, 070, 075, 088, 116, 121, 122	
EPA Env. Goal	EPA Env. Indicator or Core Prog. Outcome	State Goal	State Project Number(s)	State Proj. Indicators
Compliance Assistance	Impact of using: state audit privilege or immunity law, state small business	See above	027	

	compliance assistance policies, and compliance assistance initiatives targeted at specific industry sectors.			
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Waste Management Program Areas

EPA Env. Goal	EPA Env. Indicator or Core Prog. Outcome	State Goal	State Project Number(s)	State Proj. Indicators
Safe Waste Mgt.	Controls are put in place to prevent dangerous releases to air, soil, and groundwater	(3) Safe drinking water for all Vermont water systems (7) Improve the quality of and reduce the risks from non-potable groundwater (1) Prevent discharges of air contamination which may threaten health and the environment, or be offensive, from all sources of air pollution	058, 059, 061	Fewer releases at facilities inspected within the last 3 years (058) Fewer releases at facilities inspected within the last 3 years (059) impacts to public ws (061)
EPA Env. Goal	EPA Env. Indicator or Core Prog. Outcome	State Goal	State Project Number(s)	State Proj. Indicators
Safe Waste Management	Decrease the quantity of waste generated, decrease the toxicity of waste generated, and increase recycling of waste.	(12) Protect and maintain the quality of existing healthy surface water and wetland ecosystems (7) Improve the quality of and reduce the risks from non-potable groundwater (21) Wise use and efficient consumption of resources in a manner that forever	027, 028, 029, 062	hazardous waste reduction statewide from 1992 baseline (45%) (028) Number of spills complaints (062)

		promotes the consistent availability of our renewable resources, while maintaining the integrity of the ecosystems		
Better waste management and restoration of abandoned waste sites	Number of UST systems equipped to meet the requirements for leak detection and upgrading.	(3) Safe drinking water for all Vermont water systems (7) Improve the quality of and reduce the risks from non-potable groundwater	059	Full compliance with 1998 requirements (059)
Better waste management and restoration of abandoned waste sites	Number of cleanups initiated and/or completed.	(3) Safe drinking water for all Vermont water systems (7) Improve the quality of and reduce the risks from non-potable groundwater	059, 061	More permittees utilizing the loan program (059) sites - eval & control (061)

National Ambient Air Quality Standards Program Area

EPA Env. Goal	EPA Env. Indicator or Core Prog. Outcome	State Goal	State Project Number(s)	State Proj. Indicators
Clean Air - NAAQS	<p>Number of nonattainment areas and their associated populations that reach attainment and areas that have been redesignated for each of the criteria air pollutants standards (NAAQS) that were in effect as of January 1, 1997.</p> <p>Emission reductions since 1990 for each criteria pollutant, as discussed in each annual edition of EPA's <i>National Air Pollution Emission Trends Report</i></p>	(1) Prevent discharges of air contamination which may threaten health and the environment, or be offensive, from all sources of air pollution	011, 012, 014, 015, 016	<p>Reporting (012)</p> <p>Operating Permits (011)</p> <p>criteria pollutant concentrations (014)</p> <p>I/M (015)</p> <p>Emission Standards (016)</p>
Clean Air - Air Toxics	<p>Reductions in emissions of air toxics. EPA's Toxic Release Inventory in conjunction with EPA's National Toxics Inventory will be used as the primary source of information on emissions of air toxics until a future date when enhancements to EPA's National Toxics Inventory are fully implemented.</p>	<p>(1) Prevent discharges of air contamination which may threaten health and the environment, or be offensive, from all sources of air pollution</p> <p>(2) Obtain the information needed to make appropriate planning decisions and for public education</p>	011, 012, 014	<p>toxic pollutant concentrations (014)</p> <p>Number of pounds of Toxic and Ozone forming emissions from gasoline marketing (012)</p>

Surface Water Restoration and Protection Program Area

EPA Env. Goal	EPA Env. Indicator or Core Prog. Outcome	State Goal	State Project Number(s)	State Proj. Indicators
Clean Waters - Watershed restoration and protection	<p>% of assessed waterbodies that protect public health and the environment by supporting a) fish and shellfish consumption, b) safe recreation, and c) healthy aquatic life use designations.</p> <p>% of assessed rivers and estuaries with healthy aquatic communities</p> <p>% of change of selected substances found in surface waters.</p>	<p>(12) Protect and maintain the quality of existing healthy surface water and wetland ecosystems</p> <p>(13) Improve the quality of degraded surface water and wetland ecosystems</p>	069, 071, 072, 073, 074, 075, 113, 116	<p>305(b) Water Quality Assessment data (071)</p> <p>% of assessed river miles that meet designated use of aquatic life support (305b) (074)</p> <p>% of assessed lake acres that meet designated use of aquatic life support (305b) (074)</p> <p>Net number of known wetland acres saved (069)</p>
Clean Waters - Point source pollution	<p>% of watersheds with toxic pollutant loadings at or less than permitted limits</p> <p>% of facilities implementing wet weather control measures.</p>	(12) Protect and maintain the quality of existing healthy surface water and wetland ecosystems	071, 075, 113, 116, 121	<p>305(b) Water Quality Assessment data (071)</p> <p>% facilities in signif compliance (116)</p>

Clean Water and Drinking Water State Revolving Fund Programs

EPA Env. Goal	EPA Env. Indicator or Core Prog. Outcome	State Goal	State Project Number(s)	State Proj. Indicators
Clean Water Safe Drinking Water	<p># of stream segments showing water quality benefits as a result of Clean Water State Revolving Fund investments.</p> <p># of community drinking water systems (and population served) that provide drinking water that meets all standards as a result of implementing the Drinking Water State Revolving Fund (project and set-aside funds)</p>	(3) Safe drinking water for all Vermont water systems	042, 043, 071, 073, 075, 085, 088, 090	<p>Percent of PCWSs in Signif Compliance with Drinking Water Stds. (088)</p> <p>The design, construction, and funding of Municipal Pollution Control Facility Construction Projects properly reviewed and managed. (042)</p> <p>The design, construction, and funding of Municipal Water Facility Construction Projects Properly Reviewed and Managed. (043)</p> <p>305(b) Water Quality Assessment data (071)</p>

Community Drinking Water Systems Program Area

EPA Env. Goal	EPA Env. Indicator or Core Prog. Outcome	State Goal	State Project Number(s)	State Proj. Indicators
Safe Drinking Water	<p># and % of community water systems (and population served) with one or more violations of health-based requirements during the year, reported separately for violations of the Total Coliform Rule (TCR), Surface Water Treatment Rule (SWTR), Nitrate, Lead and Copper Rule, and all other regulated contaminants</p> <p>% of assessed rivers, streams, and reservoirs designated for drinking water use that fully support use as a drinking water supply</p> <p>% of community and not-transient noncommunity water systems (and population served) with lead levels in drinking water exceeding the action level in the Lead and Copper Rule (LCR)</p>	(3) Safe drinking water for all Vermont water systems	071, 073, 085, 086, 087, 088, 089, 090, 091, 094	<p>Percent of PCWSs in Signif Compliance with Drinking Water Stds. (088)</p> <p>305(b) Water Quality Assessment data (071)</p>

Source Water Protection and Underground Injection Control

EPA Env. Goal	EPA Env. Indicator or Core Prog. Outcome	State Goal	State Project Number(s)	State Proj. Indicators
Safe Drinking Water	# and % of community water systems (and population served) with ground water or surface water protection programs in place.	(3) Safe drinking water for all Vermont water systems	085, 086, 088	PCWS Pop. (%) served by Approved SPPs. (086)

Pollution Prevention Program

EPA Env. Goal	EPA Env. Indicator or Core Prog. Outcome	State Goal	State Project Number(s)	State Proj. Indicators
Toxic Free Communities and workplaces	<p>% of non-product outputs reduced, including TRI waste</p> <p>% of non-product outputs reduced, including TRI waste normalized for production</p> <p>% of non-product outputs reduced, including TRI waste, attributable to pollution prevention</p> <p>% of non-product outputs reduced, including TRI waste, normalized for productions, attributable to pollution prevention</p> <p>% of facilities that have implemented pollution prevention practices as a result of technical assistance</p>	(21) Wise use and efficient consumption of resources in a manner that forever promotes the consistent availability of our renewable resources, while maintaining the integrity of the ecosystems	027, 028, 029, 030, 032, 035	<p>toxics use reduction by larger users of toxics (%) (028)</p> <p>hazardous waste reduction statewide from 1992 baseline (45%) (028)</p> <p>pollution prevention plans reviewed (028)</p> <p>businesses receiving on-site waste prevention assistance (028)</p>

CHAPTER 3 - PRIORITY STRATEGIES AND ACTIVITIES

As part of the development of the Departments Comprehensive Management Strategy and this Performance Partnership Agreement, a list of Priority Strategies and Activities has been developed, which we believe should receive emphasis during federal FFY 98. These are areas where we expect to develop new activities, assign additional staff or financial resources, or place additional management emphasis. While all of the projects listed in Appendix A are important to the Department and its customers, the areas discussed below are those which will receive increased attention over the next year. Although we do not anticipate any significant increases or decreases in staff or other resources at this time, if such changes occur the projects which contribute to these Priority Strategies and Activities will be considered first for additional resources, and last for resource reductions. In addition, our evaluation and reporting system will place greater emphasis on determining progress towards meeting the goals and objectives for these Priority Strategies and Activities.

We have divided these Priority Strategies and Activities into three areas. The first area, Protection of Public Health, reflects our commitment to identifying areas where actions are needed to continue the high level of protection of public health which has traditionally been a goal of the Department.

The second area, Ecosystem Protection Strategies and Activities, contain those areas affecting the ecosystems in the State of Vermont, which we have determined would be valuable to emphasize.

The third area deals with management and operational related activities that the Department intends to emphasize, in order to continue its improvement in operational effectiveness, customer service, communication with the public and other appropriate state and federal agencies.

PART I - PROTECTION OF PUBLIC HEALTH

I-1. Enhance the Public Community Water System Source Protection Program.

This priority area is a FY 97 carryover. Vermont will continue to use available funds and resources, including DWSRF Set-Asides, to assist needy water systems in the completion of Source Protection Plans for groundwater sources. Through sanitary surveys and training/outreach opportunities, the Department will communicate the need for source protection with Public Community Water Systems and Non-Transient, Non-Community Public Water Systems. The Department will continue the development of GIS database and mapping capability to assist in this effort; this will include the mapping of Source Protection Areas and the production of GIS maps for SPAs.

The Department will initiate the development of a “Source Water Assessment and Protection Program” (SWAPP) to satisfy the EPA guidelines on the subject. This action will require a review of the existing document, entitled, “Protecting Public Water Sources in Vermont” to identify where regulations/programs do not satisfy applicable federal requirements. Once these areas are identified, an Advisory Committee will be formed to complete the development of SWAPP. We propose to use the full time period allowed by EPA for submission of the SWAPP. (February 1999 Deadline).

The Department intends to use the DWSRF Set-Aside Accounts to fund a variety of “Local Protection Activities”. This will include the development of statutory language that provides legislative authorization of a set-aside revolving loan fund for Land Acquisition and Conservation Easements; technical assistance grants for the Northeast Rural Water Association to assist public water systems; and development of the Set-Aside Revolving Loan Fund. We also intend to complete the FY 94 Section 319H grant for the Development of Source Protection Plans and explore the possibility of additional funding for school Source Protection Plans through the DWSRF Set-Aside.

A. Indicators of Success - The Department will measure its accomplishments in this area through an evaluation of the percent of population served by Public Community Water Systems that have

adopted Department-approved Source Protection Plans. The Department estimates that 54% of this population (50% of systems) is currently served by such systems and believes that a goal of 65% by the end of federal FY 98 is achievable.

B. Related Department Projects - The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

- a. Project No. 085 - Sanitary Surveys
- b. Project No. 086 - Permits/Determinations
- c. Project No. 087 - Outreach/Training
- d. Project No. 088 - Compliance/Enforcement
- e. Project No. 091 - Program Management
- f. Project No. 093 - Financial Aid Administration
- g. Project No. 095 - Ground Water Coord. Committee

I-2. Finalize Revisions to the Comprehensive State Ground Water Protection Program (CSGWPP) and Finalize the Adoption of the Groundwater Rule and Strategy (GWR&S).

Completion of CSGWPP and adoption of the Groundwater Rule and Strategy is a FY 97 carryover. The Department anticipates final legislative approval of the Groundwater Rule and Strategy in the first quarter of federal FY 98. All internal hearings and public hearings on the rule have been held; a large number of comments were received/responded to and significant changes were made to the proposed rule. The Vermont Water Resources Board (WRB) will soon review and comment on the proposed rule. After the VWRB's review, their comments will be submitted with the final proposed GWR&S for approval by the Legislative Committee on Administrative Rules (LCAR). Upon adoption of the GWR&S, the Department will utilize the Ground Water Coordinating Committee and DEC Rule Team to undertake a review of Department programs implementing the rule, to assure that these programs have processes in place for implementation.

Our revised schedule for submittal of the final draft CSGWPP to EPA, targets the second quarter of federal FY 98. We have reviewed and discussed EPA's comments on the first draft CSGWPP, and are modifying the document to

incorporate the agreed upon changes. The Groundwater Coordinating Committee will play an integral role in revising CSGWPP documents.

A. Indicators of Success - The measure of success here will be the adoption of a revised Groundwater Protection Rule and Strategy by the end of the first quarter FY 98 and submittal to EPA of a revised final draft CSGWPP document by the January 1998 of the 2nd quarter FY 98.

B. Related Department Projects - The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

- a. Project No. 091 - Program Management
- b. Project No. 095 - Ground Water Coord Committee

I-3. Finalize Development and Implementation of the Drinking Water State Revolving Fund.

This priority is a carryover from FY 97. With the passage of the Safe Drinking Water Act Amendments of 1996, authorization was created for use of federal DWSRF funds for drinking water construction projects and support activities. The major focus of last year's effort was the establishment of DWSRF authority and the securing of legislative approval to finance the DWSRF state match. This effort was highly successful; however, significant work remains. The FY 98 focus will be on the finalization and implementation of the DWSRF and will include specific actions to bring this process to completion. FY 98 activities will include proposed amendments to the Vermont Water Supply Rule that authorize/describe the DWSRF components; amendments to state legislation allowing DWSRF use for land purchases and easements; development of detailed EPA work plans to describe the intended use for DWSRF Set-Aside funds; and implementation of the construction loan program with the award of DWSRF loans to privately-owned and municipally-owned water systems. The DWSRF fundable priority system is intended to be incorporated into appropriate program rules.

A. Indicators of Success - For federal FY 98, the Department will measure its success in this area a) in terms of its ability to commit DWSRF loan funds to privately-owned and municipally-owned water systems and b) in terms of its ability to establish and begin utilizing identified DWSRF Set-

Aside funds.

B. Related Department Projects - The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

- a. Project No. 085 - Sanitary Surveys
- b. Project No. 087 - Outreach/Training
- c. Project No. 091 - Program Management
- d. Project No. 093 - Financial Aid Administration

I-4. Enhance the Technical and Administrative Assistance for Public Community Water Systems.

This is a FY 97 carryover. In FY 98 we will continue these outreach efforts to increase Public Community Water System (PCWS) knowledge/compliance with drinking water standards and regulatory requirements. This will include the Department's ongoing activities which include sanitary surveys; operator training; and outreach activities; however, it will also include two additional FTEs targeted to this area. These positions will focus on technical, managerial, and financial assistance to Public Community Water Systems and will be funded from the DWSRF Set-Aside accounts. A third position will focus on Source Water Assessments. This increased assistance effort is intended to result in increased protection of the public health through a more informed, better operated, and more compliant Public Water System community.

A. Indicators of Success - The measure of success in this area will be a determination of the percentage of Public Community Water System (PCWS) population and percentage of PCWSs in significant compliance with drinking water standards. Significant compliance means public community water systems that have not experienced any of the following: a) Total Coliform Rule Monitoring or MCL violations; b) Nitrate Monitoring or MCL violations; c) Lead/Copper Rule failure to monitor violations for a calendar year monitoring period; d) THM Monitoring or MCL violations; and e) Surface Water Treatment Rule failure to filter (satisfy the treatment requirement) violations or failure to be granted an Avoidance of Filtration waiver, as applicable.

B. Related Department Projects - The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

- a. Project No. 085 - Sanitary Surveys
- b. Project No. 086 - Permits/Determinations
- c. Project No. 087 - Outreach/Training
- d. Project No. 093 - Financial Aid Administration

I-5. Enhance the Data Management Capability of DEC's Public Water System Program.

This is a FY 97 carryover. During FY 97, the Department significantly improved its capability to electronically manage Public Water System program data. Several initiatives were implemented which streamlined and automated its management. These included the automation of individual monitoring schedules and the consolidation of program inventories. In FY 98, we intend to build upon these successes. The FY 98 efforts will include further automation of our monitoring compliance efforts; expanded transfer of electronic data (chemicals) from the Department of Health Laboratory; the migration of inventory data from the Department of Health VAX computer; and the evaluation of EPA's data reporting system (SDWIS) to decide on its applicability as the Department's next generation of data management software.

A. Indicators of Success - We will use two indicators to measure our accomplishments in this area. The first will be completion of the process for the electronic transfer of chemical lab results from the Department of Health Laboratory. The second will be a decision on the long-term use of SDWIS.

B. Related Department Projects - The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

- a. Project No. 090 - Data Management
- b. Project No. 091 - Program Management

I-6. Develop and Implement additional FY 98 Requirements of the 1996 SDWA Amendments.

This is a new priority focus for the Performance Partnership. These activities respond to specific actions required by the Safe Drinking Water Act Amendments of 1996. They include the implementation of annual Consumer Confidence Reports to PWS customers by the PWSs; the development and submission of the Annual Report on Public Water Systems to EPA; the development of an “Affordability Criteria” to guide the Department’s efforts in identifying Disadvantaged Communities; the development of program authority requiring new PCWSs and NTNCs to have “capacity”; and the review of the drinking water Operator Certification program (against proposed 2/6/98 EPA Guidelines) with identification of required changes to the program, if any.

A. Indicators of Success - We will use three indicators to measure our accomplishments in this area. The first will be our ability to automatically generate information on each water system for inclusion in the Consumer Confidence Reports. The second will be our ability to automatically generate timely information for the Annual Report on water systems. The third will be the identification of required changes to our Operator Certification program.

B. Related Department Projects - The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

- a. Project No. 087 - Outreach/Training
- b. Project No. 091 - Program Management
- c. Project No. 092 - Licensing/Certification
- d. Project No. 093 - Financial Aid Administration

I-7. Control Airborne Toxins.

The Department will continue its effort to reduce levels of airborne toxins throughout the state. Focus activities will be to reduce emissions of benzene and gasoline vapors from gasoline marketing activities at both the wholesale and retail level. Continued implementation of Regulation 5-261 will address airborne toxins

from other stationary sources of air pollution. Motor vehicle airborne toxins will be addressed through effort directed at motor vehicle air pollution control.

A. Indicator(s) of Success

Reduce emissions from gasoline marketing through implementation of Stage I and Stage II vapor control rules.
Develop emission standards for appropriate MACT sources.
Develop 111(d) Plan for Medical Waste Facilities.

B. Related department Projects -

Project Number 011 - Air Pollution Control Permitting
Project Number 012 - Air Pollution Control Compliance
Project Number 013 - Air Pollution Control Planning
Project Number 014 - Air Pollution Control Monitoring
Project Number 015 - Air Pollution Control Mobile Source Control
Project Number 016 - Air Pollution Control Program Development

I-8. Revise Air Quality Standards for Soot and Smog.

New National Ambient Air Quality Standards (NAAQS) were adopted for fine particulate matter (soot) and the NAAQS for Ozone (smog) was revised. These standards are national health based standards adopted pursuant to section 109 of the federal Clean Air Act and reflect the latest scientific understanding of the deleterious health effects of these two contaminants. The initial implication to Vermont from this action is the need to revise the state-wide air quality monitoring network to include fine particulate monitoring and all necessary support systems, revise state air quality standards to be consistent with the latest health science and modify monitoring and reporting procedures for ozone.

A. Indicator(s) of Success

Develop equivalent state standards for fine particulate matter and ozone.
Develop monitoring plan for fine particulate matter.
Revise monitoring plan for ozone.

B. Related department Projects

Project Number 013 - Air Pollution Control Planning
Project Number 014 - Air Pollution Control Monitoring
Project Number 016 - Air Pollution Control Program Development

I-9. Analyses of Regional Transport.

The regional transport of air pollution into Vermont has a measurable and significant effect on air quality and the environment of Vermont for some air pollutants. Analyses of regional transport has documented the severity of this phenomena for ozone, and the degree to which it threatens air quality standards in Vermont. The case for regional transport of this pollutant is so compelling that Vermont has joined with other states in petitioning EPA to control upwind sources of nitrogen oxides, an important precursor pollutant to the formation of ozone, under the authority of section 126 of the Clean Air Act. Region I will continue to advocate for upwind control of sources and timely decision-making on Section 126 petitions in accordance with the schedule in the 12/97 MOA between EPA and the petitioning states.

A. Indicator(s) of Success

For the State - Successful section 126 petition
For the State and EPA - Minimum 85% control for nitrogen oxides from power plants upwind of Vermont

B. Related department Projects

Project Number 013 - Air Pollution Control Planning
Project Number 014 - Air Pollution Control Monitoring
Project Number 016 - Air Pollution Control Program Development

I-10. Motor Vehicle Air Pollution Control.

Motor vehicles are the single largest sector of air pollution created within Vermont.

A multi-part strategy have been conceived to address this source category. The elements of this strategy will include stricter new car emissions standards (i.e. California LEV Program), inspection of motor vehicle emissions control equipment, education and training of the public and auto mechanics of motor

vehicle air pollution and its control, motor vehicle air pollution control equipment maintenance and repair, as well as, studies to improve the understanding of and quantification of motor vehicle air pollution in Vermont. These will be phased in as specific programs over multiple years as resources will allow. Initial emphasis will be placed on developing a better understanding of motor vehicle air pollution and vehicle emission control system maintenance.

A. Indicator(s) of Success

Conduct on-road emissions testing of Heavy Duty Vehicles to collect data to better characterize HDV emissions
Implement Phase II of the motor vehicle inspection program
Perform a remote sensing study of LDV emissions

B. Related department Projects

Project Number 015 - Air Pollution Control Mobile Source Control
Project Number 016 - Air Pollution Control Program Development

I-11. Outdoor Wood Furnaces.

Economic as well as other factors have created a market for wood burning water heaters which supply both space heating and domestic hot water. These units are larger than wood stoves, are located outside the structure they are supplying heat and hot water to and operate all year long. These unit fall through a loophole in the national emissions standards for wood stove emissions, and therefore have uncontrolled emissions. Basic design, lack of emissions controls and summer operation at reduced load all contribute to make these unit significant for air emissions.

A. Indicator(s) of Success

Adoption of a rule which establishes minimum site criteria for location of a unit.
Reduced number of complaints regarding emissions from

units.

B. Related department Projects

Project Number 011 - Air Pollution Control Compliance

Project Number 016 - Air Pollution Control Program Development

I-12. Stationary Diesel Engines.

There is growing use of stationary diesel engines for on-site electric and power generation. Uncontrolled these units are a significant source of air pollution, and interfere with maintenance of air quality standards.

A. Indicator(s) of Success

Adoption of emission standards which minimize air contaminant releases, prevent significant deterioration of air quality and maintain compliance with air quality standards through a permitting process.

B. Related department Projects

Project Number 011 - Air Pollution Control Permitting

Project Number 016 - Air Pollution Control Program Development

I-13. RCRA Inspections, Compliance & Enforcement.

The Department will continue developing "place-based" inspection strategies. The focus for FY 97 will be a strategy centered around a town. Other place-based strategies for future years include: watersheds, public drinking water source protection areas, critical habitats, and fragile ecosystems. The Department will also continue to conduct inspections based on compliance history, time since last inspection, and in response to citizen complaints.

Indicators of Success: There are several measures of success related to this priority area. Completing inspections within a town as part of a larger compliance effort will be a primary indicator of success. Further, completing the following numbers of inspections (see

attached inspection worksheets) will be an indicator: 4 TSDFs; 15 LQGs; 25 SQGs, with half being PEIs; and approximately 45 "other" inspections (CEGs, complaints, transporters, MM screening, etc). Further indicators of success include: identification of Significant Non-Compliers (SNCs) in RCRIS; continuing to perform multi-media screening inspections; continuing to perform multi-media team inspections; and further work towards a revised compliance and enforcement response policy.

Related Department Projects:

- 060 - Technical Services - Hazardous Materials
- 058 - UST Program
- 035 - Compliance Coordination (ICE Team)
- 028 - Environmental Assistance - Assistance
- 012 - APCD - compliance
- 116 - Wastewater management - Compliance & Inspections
- 088 - Water Supply - Compliance & Enforcement
- 069 - Wetlands management
- 056 - Solid Waste - compliance
- 061 - Sites Management - Hazardous Materials

I-14. Corrective Action.

The RCRA Corrective Action Program is a cleanup program designed to ensure the remediation of hazardous releases associated with RCRA-regulated facilities. The purpose of the corrective action process is to evaluate the nature and extent of contamination, identify the physical and geographical characteristics of the facility, and identify, develop, and implement appropriate corrective measures. This year the Department will issue a corrective action permit to GE-Rutland, complete the environmental indicator assessment of IBM, Safety-Kleen and UVM and continue to update RCRIS data on correction action activities achieved at all TSD's. The Department will continue to rank any new sites by its risk-based VSPS scoring system and manage corrective action activities at sites by the most appropriate means (permit, enforcement order, or voluntary). The Department will continue to provide oversight activities at IBM and Safety Kleen.

Indicators of Success: Issuance of the GE-Rutland permit (as a modification to the existing post-closure permit) by the second quarter; completion of IBM, Safety-Kleen and UVM indicator assessments; RCRIS reporting - timely and accurate; and appropriate responses to new sites.

Related Department Projects:

061 - Sites Management - Hazardous Materials
060 - Technical Services - Hazardous Materials
095 - Groundwater Coordinating Committee

I-15. Encouraging and enforcing compliance with the 1998 UST deadline.

By June 30, 1998, all category I UST systems in Vermont must either be closed, or be protected against corrosion, spills, and overfills. These requirements are designed to prevent leaks to the environment from corroded tanks and from accidental spills and overfills of petroleum products. Vermont's deadline for the 1998 standard is approximately six months earlier than the federal deadline (December 22, 1998). Because of this, Vermont's deadline will fall during FFY 98, and encouraging and enforcing the deadline will be the program's top priority. The program intends to continue its outreach efforts, and to explain to all tank owners the possible consequences of not complying with the deadline.

Before the deadline passes, the program will develop a post-1998 compliance and enforcement strategy, and will provide it to EPA in February, 1998. After the deadline has passed, the program will begin the process of assessing those facilities that have not met the 1998 standards, and will evaluate appropriate enforcement measures.

The program will also provide an annual report to EPA on the status of UST closures, upgrades, and replacements as of January 1 of the calendar year, in order to target education and awareness campaigns before the deadline passes.

Indicator(s) of success

One measure of accomplishment in this area will be a relatively small number of facilities out of 260 that, as of October 27, 1997, do not meet the requirements.

Related Department projects

- 059 - Underground Storage Tank Program
- 012 - Air Pollution Control Compliance
- 035 - Compliance Coordination
- 094 - Water Supply Resource Management

PART II - ECOSYSTEM PROTECTION

II-1. Lake Champlain Basin Management

a. Phosphorus Management Strategy

Work will proceed on a number of phosphorus reduction efforts in the Lake Champlain basin during FFY98, consistent with the following documents: (1) Lake Champlain Management Conference, October 1996, *Opportunities for Action: An Evolving Plan for the Future of the Lake Champlain Basin*; (2) Vermont Agency of Natural Resources, October 1996, *Lake Champlain Phosphorus Reduction Vermont Implementation Plan*; and (3) Vermont Department of Environmental Conservation, June 1997, *Vermont Lake Champlain Phosphorus Reduction Initiatives*.

The Department will develop a point source phosphorus offset procedure to provide municipalities undergoing wastewater flow expansions with the option of adopting nonpoint source control practices as a means to maintain currently permitted phosphorus loads to Lake Champlain. The Department will participate on the Missisquoi Bay Phosphorus Reduction Task Force that is working to develop a Vermont/Quebec agreement on a division of responsibility for phosphorus reduction in the Missisquoi Bay watershed. A land use based phosphorus export analysis (funded by the Lake Champlain Basin Program) will be conducted for the entire Lake Champlain Basin, with special emphasis on the Missisquoi Bay watershed to assess the location and relative magnitude of phosphorus loadings to Missisquoi Bay from Vermont and Quebec. Department

staff will help provide technical oversight of this project to ensure that the information needs of the Missisquoi Bay Task Force are met. A portion of Section 319 funds will be targeted to local organizations to support phosphorus reduction efforts in targeted watersheds.

The Department will submit a progress report to the USEPA in December 1997 describing phosphorus reduction activities conducted by Vermont in the Lake Champlain Basin since the Lake Champlain Basin Plan "Opportunities for Action" was completed in 1996. In addition to DEC progress, the report will include activities undertaken by the Vermont Department of Agriculture, Food, and Markets to reduce phosphorus, to the extent that such information is provided to the DEC. The agricultural information will include progress on implementing AAPs and cost sharing with farmers for BMPs. The report will also discuss or demonstrate a way to most accurately track progress made by the agricultural community towards the phosphorus load reduction targets.

Indicator(s) of Success:

- ◆ Annual total metric tons of P discharged to Lake Champlain from VT WWTFs (by calendar year).
- ◆ % of designated facilities attaining 0.8 mg/l effluent P limit.
- ◆ Mean total phosphorus concentration in each Lake Champlain segment, compared with in-lake criteria (5-year reporting intervals).
- ◆ Lake Champlain tributary phosphorus loads (total and nonpoint), in comparison with target loads (5-year reporting intervals).

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 075 - Point and Nonpoint Source Management

b. Wetland protection and education

Approximately one-half of the State's wetlands are in the Lake Champlain Valley (Tiner, 1987), either in river flood plains and low-lying in valleys, or in deltas, bayheads and other areas of shallow water. Palustrine forested wetlands constitute about 55% of Vermont's wetlands (Tiner, 1987). Despite efforts at the state and federal level to protect wetland, wetland losses in the Lake Champlain basin

continue due to pressure in population growth. The Vermont Wetland Rules establish three classes of wetlands. The Wetland Rules do not protect Class 3 wetlands and therefore many valuable habitats within the basin are threatened. Wetlands in the basin watershed are important because of their functions for forested wildlife habitat, flood control, water quality, and riparian habitat.

Problem: Town officials in certain basin towns are currently issuing local permits for wetland fills without contacting the State Wetlands Office about the action. State Law (Section 4409) requires towns to contact the Agency when any zoning permit is issued. Many officials may be unaware of this requirement, thus leading to greater wetland loss. The Vermont ANR Wetlands Office has worked quite successfully with many of the Chittenden County local officials to improve compliance with the provision and would like to continue this effort in other counties throughout the basin.

Indicator(s) of Success:

- (1) This year, the Wetlands Office will focus on two towns in Franklin County to educate local officials about the significant wetlands and to train officials in wetland review for development projects. Proposed work includes meetings with the Vermont Wetlands Office staff and town officials, distribution of GIS wetland maps and pertinent wetland regulatory information including the Section 4409 Fact Sheet. Towns will be encouraged to incorporate wetland protection in town plans and zoning regulations. The measure of success will be better local review of site plans (wetlands identified and impacts reviewed) and greater local compliance with section 4009. Wetland acreage protected within these towns will be tracked for FY 98 as part of the project tracking system.
- (2) In 1994, priority wetlands were identified and mapped in 26 towns in the Lake Champlain Basin region. Priority wetlands were defined as wetlands of high risk and with a high degree of potential threat. The information about the wetlands in each town was sent to that town. This year, the Wetlands Office will hold specific discussions with town officials from the two Franklin County towns about the priority wetlands within their towns. Success will be measured by the lack of development projects within the priority wetlands and adjacent buffer zones. Incorporation of the report recommendations will be considered a success.

- (3) With 1996 104b3 funding, the Wetlands Office produced color GIS maps with the Class Two wetlands. This year the Wetlands Office will distribute these wetland maps to all the towns in the Lake Champlain Basin. The Wetlands Office will schedule meetings with any interested town officials to distribute the maps and explain their significance. Success will be measured by whether the public is able to access this information at the town offices (ie. maps are displayed in a prominent location, officials are able to advise the public as to the significance of the maps).
- (4) New literature on purple loosestrife control will be distributed in the basin to educate the public about its biology and affect on healthy wetland ecosystems. Measure: Areas will be identified and the control practices described in terms of quality and areal extent.
- (5) The DEC will participate on an interagency review team under the new Corps of Engineers General Permit 42 to evaluate and minimize impacts to wetlands, including Class 3 wetlands. The DEC will strive to increase protection of Class 3 wetlands through screening and commenting on applications for the GP. Success will be measured by the number of projects where specific conditions were incorporated into the GP because of interagency agreement and/or 401 certification for the project. In the future, the ANR will work with the ACOE, EPA and other federal agencies to track cumulative impacts and benefits of the GP in Vermont.
- (6) Policies on beaver management will be developed. The measure of success will be a clear and concise procedure and/or rules for dealing with nuisance beaver activities.
- (7) In conjunction with the Natural Heritage Program, a book will be produced on each wetland type, its functions and values for all of Vermont. The book will describe Vermont's natural communities in the context of the geological, climatic and human forces that have shaped them and will provide 19 community systems in Vermont. Output: Completion of book containing explanation of the State's major wetland types, their functions and values, and their relevance to its larger regional setting.

Related Department Projects: The following projects or portions of projects are

expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 069 - Wetlands Management

c. Educational activities related to aquatic nuisances

The Department will continue 1) oversight and distribution of metal boater warning signs at public boat access areas, and 2) development and dissemination of educational materials and presentations with emphasis on Eurasian watermilfoil, water chestnut and zebra mussels. PSAs developed on Eurasian watermilfoil and zebra mussels will be distributed basinwide. Funding sources will be explored for the development of a water chestnut PSA for basinwide distribution. The existing Water Chestnut Watchers Program will be expanded. A comprehensive non-indigenous aquatic nuisance management plan for the Lake Champlain basin will be completed and submitted to the National Aquatic Nuisance Species Task Force for approval.

Indicator(s) of Success:

- ◆ Spread prevention signs at public access areas on all lakes.
- ◆ All existing literature is up-to-date and available.
- ◆ PSAs on Eurasian watermilfoil and zebra mussels distributed basinwide.
- ◆ Expanded Water Chestnut Watchers Program.
- ◆ Non-indigenous aquatic nuisance management plan for the Lake Champlain basin completed and submitted.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 070 - Aquatic Nuisance Management

d. Toxics management

The Department will continue implementation of its fish contaminant monitoring program in selected Lake Champlain basin waterbodies. Activities to reduce the discharge of toxic contaminants from urbanized and developed areas of the Lake Champlain basin will be continued. Department staff will continue to participate in Lake Champlain Basin Program toxic management forums as appropriate.

Indicator(s) of Success:

- ◆ Fish contaminant monitoring conducted consistent with appropriate QA/QC plan.
- ◆ Continued funding for 319h urban watershed management coordinator position.
- ◆ Participation in LCBP toxic management forums.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 071 - Monitoring, Assessment and Research
Project No. 075 - Point and Nonpoint Source Management

e. Monitoring

Work will continue on three long-term monitoring programs in Lake Champlain: Lake Champlain Water Quality and Biological Monitoring Program; Lake Champlain Zebra Mussel Monitoring Program; and Vermont Lay Monitoring Program. These programs all depend in part or wholly on funding from the Lake Champlain Basin Program.

Indicator(s) of Success:

- ◆ Completed draft report for the 1998 Lake Champlain Water Quality Monitoring Program.
- ◆ Written summer updates of the results of the 1998 Lake Champlain Zebra Mussel Monitoring Program.
- ◆ At least 20 Lake Champlain stations successfully monitored by citizen monitors through the Vermont Lay Monitoring Program.
- ◆ Number of river miles and lake acres assessed with monitoring data (statewide, not basin-specific).

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 070 - Aquatic Nuisance Management
Project No. 071 - Monitoring, Assessment and Research

f. Shoreland, streambank, and riparian zone protection and restoration

The Department will provide, on a per request basis, technical assistance and education, workshops, and publications relative to the protection and restoration of shorelands, streambanks, and riparian zones in the Lake Champlain basin to town planning and conservation commissions, lake and river associations and landowners.

Indicator(s) of Success:

- ◆ Number of workshops and non-regulatory on-site technical assistance visits conducted in the Lake Champlain basin.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 072 - Lakeshore and Streambank Management
Project No. 073 - Basin and Waterbody Planning
Project No. 075 - Point and Nonpoint Source Management

g. Flow modification and water withdrawals

The Department will continue its involvement in the licensing of five major hydroelectric projects in the Otter Creek and Poultney River basins: Carver Falls Project, Silver Lake Project, Middlebury Lower Project, Weybridge Project, and Vergennes Project.

Indicator(s) of Success:

- ◆ Development of Agency positions and/or issuance of water quality certifications for the five projects.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 074 - Flow Management

h. Water chestnut control activities

The Department will provide technical oversight of water chestnut control

activities in Lake Champlain, which currently range over 56 miles, and in four additional Vermont waterbodies, if adequate funds are available. Approximately \$200,000 per year for a minimum of five years is needed to manage the existing population and no dedicated long-term funding source has been identified. The Department will evaluate the feasibility of composting water chestnut spoils through the water chestnut composting demonstration project funded by the Lake Champlain Basin Program as a partnership grant with the Otter Creek Natural Resource Conservation District and the USDA Natural Resource Conservation Service.

Indicator(s) of Success:

- ◆ Northernmost extent of water chestnut in Lake Champlain (this is currently McNeil Cove in Charlotte).
- ◆ Completion of a minimum \$150,000 water chestnut control program in Lake Champlain in 1998.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 070 - Aquatic Nuisance Management

i. Ecosystem impacts of zebra mussels

The Department will continue investigations and activities related to the protection and preservation of native mussel populations in Lake Champlain, and continue investigations into the effects of the zebra mussel invasion on the native fauna of shale/cobble littoral habitats in Lake Champlain.

Indicator(s) of Success:

- ◆ Monitoring of selected shale/cobble and native mussel sites on Lake Champlain.
- ◆ Surveys of native mussels at selected sites on Lake Champlain.
- ◆ Continued development of native mussel conservation/preservation strategies.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

II-2. Lake Memphremagog Basin Management

a. Phosphorus Management Strategy

Vermont/Quebec coordinated long-term water quality sampling (including phosphorus) in Lake Memphremagog will continue during the summer of 1998, with Quebec providing the sampling personnel and sample analyses, and Vermont assisting with quality control analyses. Results may eventually be considered as part of discussions with Quebec regarding joint phosphorus standards for Lake Memphremagog.

Indicator(s) of Success:

- ◆ Quality control analyses completed to assist Quebec's long-term water quality sampling effort on Lake Memphremagog.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 075 - Point and Nonpoint Source Management

b. Educational activities related to aquatic nuisances

The Department will continue 1) oversight and distribution of metal boater warning signs at public boat access areas, and 2) development and dissemination of educational materials and presentations with emphasis on Eurasian watermilfoil and zebra mussels. PSA's developed on Eurasian watermilfoil and zebra mussels will be distributed basinwide.

Indicator(s) of Success:

- ◆ Spread prevention signs at public access areas on all lakes.
- ◆ All existing literature is up-to-date and available.
- ◆ PSAs on Eurasian watermilfoil and zebra mussels distributed basinwide.

Related Department Projects: The following projects or portions of projects are

expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 070 - Aquatic Nuisance Management

c. Toxics management

The Department will continue implementation of its fish contaminant monitoring program in selected basin waterbodies.

Indicator(s) of Success:

- ◆ Fish contaminant monitoring conducted consistent with appropriate QA/QC plan.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 071 - Monitoring, Assessment and Research

d. Monitoring

Lake Memphremagog and up to ten lakes within the watershed have been or will continue to be part of the Vermont Lay Monitoring Program. In addition, many lakes within the basin are part of the Department's Spring Phosphorus Program and are sampled on a regular basis. Aquatic plant surveys or Eurasian watermilfoil searches will be conducted as time allows throughout the watershed. The Department's Biomonitoring and Aquatic Studies Section will establish biomonitoring sites within the basin on selected wadeable streams as well. A Lake Memphremagog watershed inventory effort may be designed through coordination between the Department and the Lake Memphremagog Watershed Association.

Indicator(s) of Success:

- ◆ Lake Memphremagog and up to ten lakes within the watershed monitored by citizens through the Lay Monitoring Program.
- ◆ Lakes in the basin monitored for spring phosphorus concentrations.
- ◆ Aquatic plant surveys and/or Eurasian watermilfoil searches conducted on lakes in the watershed.
- ◆ Biomonitoring sites established on selected wadeable streams within the basin.

- ◆ Number of river miles and lake acres assessed with monitoring data (statewide, not basin-specific).

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 070 - Aquatic Nuisance Management
Project No. 071 - Monitoring, Assessment and Research
Project No. 075 - Point and Nonpoint Source Management

e. Shoreland, streambank, and riparian zone protection and restoration

The Department will provide, on a per request basis, technical assistance and education, workshops, and publications relative to the protection and restoration of shorelands, streambanks, and riparian zones in the Lake Memphremagog watershed to town planning and conservation commissions, lake and river associations and landowners.

Indicator(s) of Success:

- ◆ Number of workshops and non-regulatory on-site technical assistance visits conducted in the Lake Memphremagog watershed.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 072 - Lakeshore and Streambank Management
Project No. 073 - Basin and Waterbody Planning
Project No. 075 - Point and Nonpoint Source Management

f. Flow modification and water withdrawals

Conditions under which the state would consider purchase of selected Citizens Utilities lands along the Clyde River will be specified. The Department will be processing a Section 401 application received in July 1997 for the Clyde River Hydroelectric Project. The original application was denied. The new application has not been completed as of September 1997.

Indicator(s) of Success:

- ◆ Conservation easements or public ownership of lands that will no longer be used as part of the hydroelectric project.
- ◆ Issuance of a final water quality certification for future operation of the project, consistent with Vermont Water Quality Standards.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 074 - Flow Management

II-3. Connecticut River Basin Management

a. Implementation of Connecticut River Corridor Management Plan

The Connecticut River Corridor Management Plan was completed in July 1997 following four years of involvement by over 120 residents along the length of the Connecticut River. Many of the 800 recommendations concern shoreland management, stormwater management, and boat access, as well as the remediation of selected water quality problem sites along the Connecticut River and its tributaries. The Department will support the Connecticut River Joint Commission and its subcommittees in implementing the elements of the plan that are in line with the mission of the Department.

Indicator(s) of Success:

- ◆ The Connecticut River Joint Commission will select specific recommendations for focus. Progress in the first year following plan adoption is seen as critical. Once the priorities for 1999 are selected, the Department will aid the process. A precise indicator can not be selected until the Commission acts.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 073 - Basin and Waterbody Planning

b. Educational activities related to aquatic nuisances

The Department will continue 1) oversight and distribution of metal boater warning signs at public boat access areas, and 2) development and dissemination of educational materials, and presentations with emphasis on Eurasian watermilfoil and zebra mussels. PSA's developed on Eurasian watermilfoil and zebra mussels will be distributed within the basin in VT and NH. In conjunction with a grant received by the Silvio Conte Wildlife Refuge, the Department will work with other states in the Connecticut River watershed to institute a strategy (Invasive Plant Control Initiative) to monitor and control the spread of invasive, non-indigenous plants into and within the watershed.

Indicator(s) of Success:

- ◆ Spread prevention signs at public access areas on all lakes.
- ◆ All existing literature is up-to-date and available.
- ◆ PSAs on Eurasian watermilfoil and zebra mussels distributed basinwide.
- ◆ Progress on the development of the Silvio Conte Wildlife Refuge's Connecticut River watershed Invasive Plant Control Initiative.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 070 - Aquatic Nuisance Management

c. Toxics management

The Department will continue implementation of its fish contaminant monitoring program in selected basin waterbodies.

Indicator(s) of Success:

- ◆ Fish contaminant monitoring conducted consistent with appropriate QA/QC plan.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 071 - Monitoring, Assessment and Research

f. Shoreland, streambank, and riparian zone protection and restoration

The Department will provide, on a per request basis, technical assistance and

education, workshops, and publications relative to the protection and restoration of shorelands, streambanks, and riparian zones to town planning and conservation commissions, lake and river associations and landowners.

Indicator(s) of Success:

- ◆ Number of workshops and non-regulatory on-site technical assistance visits conducted in the Connecticut River watershed.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 072 - Lakeshore and Streambank Management

Project No. 073 - Basin and Waterbody Planning

Project No. 075 - Point and Nonpoint Source Management

g. Flow modification and water withdrawals

The Department will cooperate on special studies related to the relicensing of the Fifteen Mile Falls Project on the upper Connecticut River. Studies relate to aquatic habitat protection and reservoir/tailrace water quality.

Indicator(s) of Success:

- ◆ Completion of studies with results that can be used in Vermont's and New Hampshire's cooperative water quality certification initiative.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 074 - Flow Management

II-4. Focus Wetlands Management Program on Protection, Restoration and Education

There are many factors that may affect the future rate of wetland loss in Vermont for FY 98. Factors include policies, incentives and regulations that are adopted at the local, state and federal level for the protection and conservation of Vermont's

wetland resources. The effectiveness of these measures will be based on the public commitment and understanding of wetland function and value. For this reason the wetlands program will increase its education efforts at the local level and provide tools for better understanding of wetland function and value and their needed protection. Methods include, but are by no means limited to, field training, workshops for and with Vermont AOT and other agencies, contacts with Realtors, personal delivery and discussion of color GIS wetland maps to town officials, and distribution of materials on purple loosestrife and its impact on healthy ecosystems.

Vermont continues to experience a substantial level of population growth in the 1990's. The counties with the greatest wetland alteration have been Rutland, Chittenden, Washington, and Franklin. Information from the 1990-1995 Wetlands Office database indicates that wetland loss is closely correlated with historical population growth trends (Vermont 1996 305[b] Report). Much of this has occurred near larger towns, including Burlington, Montpelier, Rutland, and Barre.

The Wetlands Office will continue to expand its efforts in areas where there appear to be greater threats to wetland loss and alteration and continue to track the loss and gains of wetlands through its wetlands regulatory program.

Indicator(s) of Success:

- (1) Provide trends data which tracks both restoration and loss/degradation of habitat and permit data (similar to the existing 305[b] Report and the CT Annual Report).

DEC will track and report wetland losses (via the permitting system) according to wetland type and function. ANR will also provide data on the wetland impacts proposed during the pre-application stage in relation to the final proposed impacts in the Conditional Use Determination (CUD). This will help gauge success of the preapplication meetings and on-site negotiations with landowners. ANR will produce a report at the end of the year which summarizes where impacts are occurring the most and why. The report will state limitations in the data due to use of regulatory information alone. The report is a starting point in assessing the status and trends of wetland protection efforts in Vermont and will be modeled at least to the standards of the CT Status and Trends Annual Report.

- (2) Successful and smooth operation of project screening process under General Permit #42.

The DEC will participate on an interagency review team under the new Corps of Engineers General Permit 42 to evaluate and minimize impacts to wetlands, including Class 3 wetlands. The DEC will strive to increase protection of Class 3 wetlands through screening and commenting on applications for the GP. Success will be measured by the number of projects where specific conditions were incorporated into the GP because of interagency agreement and/or 401 certification for the project. In the future, the ANR will work with the ACOE, EPA and other federal agencies to track cumulative impacts and benefits of the GP in Vermont.

- (3) Educate local officials on applicable wetland regulations.

Town officials throughout Vermont are currently issuing local permits for wetland fills without contacting the State Wetlands Office about the action. State Law (Section 4409) requires towns to contact the Agency when zoning permits are issued for wetlands. Many officials are unaware of this requirement, thus leading to greater wetland loss. The Vermont ANR Wetlands Office has worked quite successfully with Chittenden County local officials to improve compliance with the provision and would like to continue this effort elsewhere.

- ◆ With 1996 104b3 funding, the Wetlands Office produced color GIS maps with the Class Two wetlands. This year the Wetlands Office will distribute these wetland maps to all the towns in the Lake Champlain Basin. The Wetlands Office will schedule meetings with any interested town officials to distribute the maps and explain their significance. Success will be measured by whether the public is able to access this information at the town offices (ie. maps are displayed in a prominent location, officials are able to advise the public as to the significance of the maps).
- ◆ Public Information and Education -- The ANR will target outreach in towns where priority wetlands have been identified in the Lake Champlain Basin, in particular Franklin County.

- (4) Field training workshops completed for AOT. The purpose of these workshops is to ensure that AOT staff, particularly district staff, are able to correctly identify wetlands and to understand wetland regulations. At least two workshops will be planned covering the northern and southern portions of the state.
- (5) Distribution of materials on purple loosestrife and modification of CUD conditions to more fully describe appropriate methods for loosestrife removal and disposal. The output will be the distribution of materials and a description of control sites, methodologies, and results.
- (6) Beaver Impoundment Management -- The outcome of this effort will be the following: (1) revised and easy-to-follow rules and/or procedures for dealing with nuisance beaver activities, (2) research on demonstration techniques that control water levels and protect existing wetlands, particularly in use in other New England states, and (3) presentation to the Agency study group on the demonstration techniques. The project could lead to statutory, regulatory and policy changes to improve protection of wetlands and other valuable aquatic habitat.

The project lead for this is Anne Whiteley. For FY 98, the ANR Water Quality Division will assist the Agency study group by providing technical management information in preparation for procedures to be developed.

- (7) Wetland Inventory and Photogrammetry – For this year the Vermont ANR will target its effort on completing the eight town maps currently underway with assistance from EPA GIS office staff on two of these towns. Outreach will be focused on several towns currently being mapped with targeted field verification and outreach to these towns.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 069 - Wetlands Management

II-5. Completion of Sensitive Watershed Hydrology and Water Quality Study

Phase One of the study involving the hydrology of sensitive streams in upland, urban and flood hazard environments will be completed by consultants with the participation of staff from throughout the Agency. The Department will then begin Phase Two in order to analyze the manner in which the findings can be made an integral part of existing water quality management programs.

Indicator(s) of Success:

- ◆ Evaluation of findings of FEMA DSR review (from 8/95 event).
- ◆ Annotated bibliography and a description (in lay terms) containing concepts of watershed hydrology and natural stream dynamics.
- ◆ Selection of contractor and initiation of Phase Two, a technical analysis intended to identify thresholds of watershed change that result in unacceptable surface water resource consequences.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 075 - Point and Nonpoint Source Management

II-6. Completion of “Wetland, Woodland, Wildland: The Natural Communities of Vermont”

The Department of Fish and Wildlife’s Natural Heritage Program and the Department of Environmental Conservation’s wetland staff have been systematically reviewing the typical wetland communities of Vermont so as to complete reference descriptions of the vegetation, fauna, physiognomy, and functions and values of each community type to enhance state and public understanding of these resources. This work, estimated to take ten years to complete, is being interrupted this year to produce a popular field guide with line drawings, descriptions and color photos of these communities based on current knowledge. The wetland guide is a component of a much larger Vermont guide to all such communities, including uplands.

Indicator(s) of Success:

- ◆ Completion and publication of the document and beginning of distribution to interested public.

- ◆ Beginning of use of the findings in the issuance or denial of CUDs and enforcement decisions.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 069 - Wetlands Management
Project No. - Wetland Natural Community Inventories and
Classification

II-7. Water Quality Standards

The Department will continue work with Vermont water resource interests groups and the EPA to complete a comprehensive review and rewrite of the Water Quality Standards for submission to the Water Resources Board. The Department will seek to address adequately a number of major policy areas in this revision, such as instream flow standards, water quality anti-degradation and restoration, and biologically-based classifications and criteria. The Department will review proposed changes to the Standards which EPA has provided, and will submit recommendations for dealing with these proposals to the Water Resources Board. We expect to send the results from the Department's review and revisions to the Standards to the Water Resources Board by April 17, 1998. If additional time is necessary to finalize certain sections of the revised Standards based on the specific recommendations from the Water Quality Standards Task Group, this date will be revised after consulting with EPA. Concurrently, the Department's recommendations covering the EPA proposals will also be included with this submission.

Indicator(s) of Success:

- ◆ Recommendations for revisions to the Water Quality Standards submitted to the Water Resources Board, with Board initiation of the revision process to follow.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

II-8. Continuation of Municipal Self-Assessment Program

This is expected to improve the quality of self-reporting of wastewater treatment plant operating data, allow better prioritization of inspection and technical assistance needs for problem facilities, and increase the involvement of municipal officials in the operation of these facilities.

A. Indicator(s) of Success - To measure our accomplishment in this area we will determine the percentage of the self-reporting facilities audited by us which receive an acceptable rating for the quality of their self-assessment. We expect that 90% of the audited facilities will receive an acceptable rating.

B. Related Department Projects. - The following projects or portions of projects are expected to contribute to the success of this task.

a. Project No. 116 - Compliance & Inspections

b. Project No. 118 - Tracking Systems Management

II-9. Establishment of Revised Total Maximum Daily Load Listing Procedure

On or before April 1, 1998, the Vermont Department of Environmental Conservation (DEC) intends to submit for EPA Region I approval a list of priority waters which will include an identification of certain surface waters considered to be Water Quality Limited Segments, (As defined in 40 CFR Part 130, a Water Quality Limited Segment is any segment where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards, even after the application of the technology-based effluent limitations required by sections 301(b) and 306 of the [federal Clean Water] Act), in need of Total Maximum Daily Load (TMDL) computation. For certain segments in need of TMDL computation, DEC will specify the pollutant(s) of concern and propose a schedule for TMDL development. In some cases and due to the nature of the problem or pollutant, the schedule for TMDL development for

certain listed waters will occur no sooner than April, 2011 (i.e. a thirteen year period from April, 1998).

The 1998 listing will also identify waters which are presently threatened by potential pollutants **and** are expected not to meet current Vermont Water Quality Standards prior to April 1, 2000 (i.e. the date of the next 303(d) listing submittal). Since the identification of these waters is somewhat speculative, the schedule for TMDL development for any listed threatened water will occur no sooner than April 2011.

DEC will use the EPA-approved 1996 listing as the basis for developing the 1998 list. In conjunction with EPA's evolving policy and 303(d) guidance, the number of entries appearing on the 1998 list will be substantially fewer than appeared in 1996. DEC believes the "de-listing" of previous entries is warranted in 1998 since, upon re-examination, the original basis used for earlier listing has been determined to be inaccurate. DEC will provide documentation to justify delisted waters. Table 1 is provided to describe seven "tiers" or categories of water quality conditions that are believed to exist and to highlight the three categories which will be contained on the Vermont 1998 Section 303(d) list.

Preparation of the 1998 list will involve several tasks and outputs. Developing the 1998 list will be initiated by the Department during September/October 1997. Public participation is an essential ingredient in the process and will be conducted prior to final listing submittal to EPA Region I. The process and schedule for completing an approvable submittal are outlined in Table 2 below.

DEC intends to submit the recently completed work concerning phosphorus and Lake Champlain to EPA Region I for formal TMDL approval. The Lake Champlain phosphorus-based TMDL submittal, to occur during November 1997, will be consistent with EPA regional guidance (revised draft dated 9/9/97).

In addition to the recent work on Lake Champlain phosphorus, the Department will also provide to EPA Region I a summary of the status of all waters appearing on the 1996 list as "boxed" entries. Affected waters, pollutants of concern, the period of remediation work and the approximate time interval of submittal are indicated in Table 3 below.

Table 3-1.

**Proposal for Vermont Updated State Clean Water Strategy Listing
Including the Identification of 1998 Section 303(d) Waters
(October 17, 1997)**

Water Quality Condition	“Tier” Ranking	Examples	Approach
Impaired waters which do not meet state water quality standards and where water quality limited segments** occur (requiring in excess of conventional, secondary treatment).	1	- Lake Champlain where Phosphorus standards are exceeded - Agricultural discharges where AAPs are insufficient to meet standards - WWTFs nearing capacity where technology-based effluent limitations will be insufficient to meet standards	TMDL by State with schedule for development.
Impaired waters which do not meet state water quality standards and where water quality limited segments** occur (requiring in excess of conventional, secondary treatment) AND where the problem is beyond the scope of an individual state to rectify.	2	- Acid Rain - Mercury contamination	TMDL either by EPA or by State. If State, not to be scheduled before April, 2011.
Impaired waters which do not meet water quality standards but where it is not appropriate to develop TMDLs in the context of pollutant loading. Practices required by law will abate impairment.	3	- Manure discharge from farms where AAPs not implemented - Failed septic systems - Inadequate flows below a single dam	Watershed and/or source remediation plan by State including enforcement actions.
Impacted waters which meet water quality standards but are below natural conditions.	4	- Stream temperature elevated by lack of shading	Remediation plan by State.
Impacted waters which meet water quality standards but are below natural conditions AND for which no known solution exists.	5	- Eurasian Watermilfoil lakes - Zebra mussel lakes	Waterbody-specific and/or general remediation plan describing spread prevention/control actions by State.
Waters which are presently threatened by potential pollutants but MAY not meet water quality standards within the next 24	6	- Urbanizing watersheds - Sediment discharges from logging operations	Watershed and/or source remediation plan by State.

Water Quality Condition	“Tier” Ranking	Examples	Approach
month period (i.e. 4/98 - 4/00).			
Unknown condition due to lack of usable, current or sufficient assessment information.	7		Undertake further assessment.
** Water quality limited segments: segments where applicable water quality standards are not attainable with application of technology-based effluent limitations to point sources. (40 CFR Part 35)			
Shaded rows represent the scope of information to be submitted to EPA by VT DEC for the April 1998 303(d) list.			

Table 3-2.
Vermont 1998 Section 303(d) Listing Process & Timeline
(October 17, 1997)

Task/Activity	Timeline/Schedule
Revise EPA-approved 1996 303(d) list to incorporate “tier”rankings #1, 2 and 6. Where appropriate, include new/recent information concerning water withdrawals, milfoil and zebra mussel infestations, Lake Champlain P loading reduction targets, Round I rotational assessment information and certain threatened waters deemed “likely to not meet Water Quality Standards” by April 2000.	September & October 1997
Notify public & water/fish management agencies of 1998 list development; distribute revised 1996 list as Preliminary Draft 1998 list; with EPA-I involvement, conduct 2-3 explanatory public participation sessions.	October 1997
Seek input & revise listing.	October - December 1997
Prepare & distribute Draft 1998 list to the public & EPA-I.	January 1998
With EPA-I involvement, conduct 2-3 public participation sessions; seek input; prepare responsiveness summary.	January & February 1998
Incorporate comments into list; prepare final 1998 list.	March 1998
Distribute for EPA approval Vermont 1998 listing of Section 303(d) waters.	April 1, 1998
DEC will report to EPA on the status of implementation of impaired waters where existing required controls have been determined to be stringent enough to meet standards, but not expected to come into compliance before April 1, 2000. This report will be in the same submittal as the 303(d) list, but can be included as a separate attachment along with the 303(d) list.	April 1, 1998

Table 3-3.

Vermont Schedule for Submittals to EPA Region I
(October 17, 1997)

Affected Water	Pollutant/Issue of Concern	Period of Work Producing Load Determination or Remediation	Approximate Time of Submittal for TMDL or Equivalent
----- Part A. Waters with TMDL determination in need of EPA approval. -----			
Lake Champlain (VT portion)	phosphorus	1989-1996	November 1, 1997
----- Part B. Waters Appearing as "Boxed" Entries on 1996 List. -----			
I. Lake Champlain Drainage Basin.			
Poultney River (West Haven)	water quantity	early 1980s to present	N/A - federal ruling pending
Otter Creek (Rutland)	CSO*	1990 to present	November 15, 1997
LaPlatte River	phosphorus	1989-1990	November 1, 1997
Lower Lamoille River (Milton to Lake Champlain)	- water quantity - fish passage - water level fluct'n	early 1980s to present	N/A - VT 401 under appeal
Lower Lamoille River (Fairfax)	- water quantity - fish passage	early 1980s to present	N/A - VT 401 under appeal
Lower Winooski (Winooski)	CSO*	1992-1993	November 15, 1997
West Branch Little River (Stowe)	bacteria	1993	N/A - Act 250 decision under appeal
Dog River (Northfield)	toxicity	1994	November 15, 1997
II. Lake Memphremagog Drainage Basin.			
Lower Clyde River	- water quantity - sediment	early 1980s to 1997	November 15, 1997
III. Connecticut River Drainage Basin.			
Lower Deerfield River (Harriman Reservoir to VT/MA line)	- water quantity - water level fluct'n	early 1980s to present	November 15, 1997
Upper Deerfield River (Somerset Reservoir to Harriman Reservoir)	- water quantity - water level fluct'n	early 1980s to present	November 15, 1997
Passumpsic River (St. Johnsbury)	CSO*	1995 to present	N/A

Affected Water	Pollutant/Issue of Concern	Period of Work Producing Load Determination or Remediation	Approximate Time of Submittal for TMDL or Equivalent
			- remediation on-going
Passumpsic River (St. Johnsbury to mouth)	fish passage	early 1980s to present	November 15, 1997

(*) represents Combined Sewer Overflow

Indicator(s) of Success:

- ◆ Completed 303d list followed up by preparation of TMDLs and remediation plans as appropriate.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 073 - Basin and Waterbody Planning

II-10. Agricultural Water Quality Program

The Vermont Department of Agriculture, Food and Markets (DAFM) is responsible for implementing the Agriculture Non-Point source Management Program. As part of the Agriculture Water Quality Program the department has developed regulations that define Accepted Agriculture Practices and Best Management Practices for the protection of water quality. The Department has also established a financial assistance program to provide cost sharing to agricultural land owners that implement best management practices and a technical assistance and educational program through collaboration with the Natural Resource Conservation Districts. The geographic focus of this program is the Lake Champlain and Lake Memphremagog watershed basins. The data collection and information management components of this programs is supported by the application of GPS and GIS technology.

- A. Indicator(s) of Success - The following program activities will be tracked to document the Department’s continued success in implementing the Agriculture Water Quality Program.

I. The number of non-point source investigations conducted and enforcement actions taken to support compliance with the Accepted Agriculture Practices Regulations;

II. The number of financial assistance applications received and the number of BMP cost sharing contracts awarded;

III. The number of BMP practices or structures installed and the pounds of phosphorus loading reduced;

IV. The creation of databases for water quality sampling, farm locations, number of animal units per farm, types of manure management practices in place and nutrient loading rates for priority watersheds, and;

V. The establishment and delivery of technical assistance and training programs for agriculture land owners through the Natural Resources Conservation Districts.

B. Related Department Projects - The DAFM operates a groundwater monitoring program for pesticides and other agriculture chemicals. The Pesticides Monitoring Program conducts sampling of private drinking water supplies and surface waters on a statewide basis. Data provided by the Monitoring Program contributes to the assessment of water quality in watersheds identified as priorities by the Agriculture Non-Point Source Program and the State Clean Water Strategy. The DAFM Monitoring Program is a cooperative participant in the USGS National Water Quality Assessment of the Connecticut River Basin and the Lower Missisquoi River Hydrologic Unit Area study conducted by the USDA Natural Resources Conservation Service and the University of Vermont Extension System. The following projects from Appendix A will contribute directly to the success of the goals and objectives listed above.

a. BMP Cost Share Grant Program Implementation

b. GIS Support for Drinking Water & Groundwater Protection

Programs

- c. The groundwater vulnerability assessment of the pesticide and groundwater management

II-11. Department Monitoring Strategy

Existing environmental monitoring programs in all divisions of the Department, as well as such monitoring programs carried out by other entities in the state, will be reviewed and characterized, including goals, objectives, and activity level. The appropriate administrative framework will be put into place and a workplan will be formulated for the development of a Department Monitoring Strategy. The Department Monitoring Strategy will be developed in FFY99.

This Department Monitoring Strategy will identify areas where monitoring efforts should be added, revised or deleted in the state. It will carefully consider the need for monitoring to support the use of environmental or public indicators to measure the success of the Department's efforts to protect these areas. Vermont will submit a multi-year ambient monitoring strategy (which will be a portion of the Department Monitoring Strategy) to EPA on April 1, 1998 as part of the 1998 305(b) report.

Indicator(s) of Success:

- ◆ Completed review and characterization of Department monitoring programs in FFY98.
- ◆ Completed Department Monitoring Strategy in FFY99.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of this task. Detailed information on the projects may be found in Appendix A to this agreement.

Project No. 071 - Monitoring, Assessment and Research
Project No. ? - Department Monitoring Strategy

PART III - MANAGEMENT PRIORITIES

III-1. Marketing of the Small Business Compliance Assistance Program (SBCAP) and the Self-Evaluation Policy

The Department developed and implemented both of these initiatives during FY 97. Both of these initiatives were meant to improve the environmental compliance rates of the regulated community without the DEC having to undertake resource intensive enforcement actions.

The SBCAP has been available to the public since February 1997 and the Self-Evaluation Policy was signed by the ANR Secretary in December 1996. Marketing of these initiatives has been done through the development of a SBCAP brochure/fact sheet, various mailings to businesses, trade associations and special interest groups and presentations at various gatherings. In spite of these marketing attempts, the SBCAP has received only occasional calls for compliance assistance from Vermont's small businesses and no request for an on-site compliance evaluation has been received to date. Requests have been received for copies of Vermont's Self-Evaluation Policy but no contact has been made by a regulated entity to put the policy to use. In an effort to increase the use of these compliance initiatives, DEC will focus on marketing them to the affected public.

A. Indicator(s) of Success--SBCAP Marketing

- I. The development of a SBCAP Marketing Plan
- II. An increase in the number of on-site compliance reviews conducted. We expect to conduct at least 6 on-site reviews in federal FY 98.
- III. An increase in the number of violations corrected voluntarily through the on-site compliance review. We expect the number of such violations to exceed 10 during federal FY 98.
- IV. An increase in the total contacts on the phone for compliance assistance.

V. Where it is possible to have such documentation, we will track the number and type of violation which is corrected as a result of the compliance assistance which is provided via the phone.

B. Indicator(s) of Success - Self-Evaluation Marketing

I. The development of a Self-Evaluation Marketing Plan

II. An increase in the number of contacts made by the regulated public to determine the applicability of the policy to their self-discovered violations. We expect the number of such contacts to exceed 5 in FY 98.

C. Related Department Projects - The following projects or portions of projects are expected to contribute to the success of this task.

- a. Project No. 028 - Assistance
- b. Project No. 035 - XD Compliance Coordination

III-2. Environmental Management Systems - Vermont Business Environmental Partnership.

A voluntary business recognition/certification program for small and medium sized manufacturers and businesses that encourages implementation of environmental management systems is being developed.

The *Vermont Business Environmental Partnership* is based on two different levels of achievement, the *Environmental Partner* designation and the *Model Facility* level. The *Environmental Partner* designation is offered to businesses that demonstrate the achievement of six core environmental management standards and six (out of twelve) elective standards. The core standards represent a starting point for EMS development (such as company policy, environmental team development, staff and management training, environmental assessment of operations, and public outreach). Elective standards are action-oriented toward reducing wastes, emissions, toxics use and other measurable achievements in pollution prevention.

The *Model Facility* designation requires achievement of *Environmental Partner*

status plus the adoption of a comprehensive pollution prevention program, demonstration of environmental compliance, and mentoring and public outreach requirements. Facilities that have achieved *Model Facility* designation will be considered to have fully implemented an EMS.

A. Indicator(s) of Success

I. First Year: All program materials will be developed and finalized (promotional brochures, application forms). The program will be specifically targeted during year one to the lodging industry (hotels, resorts, and inns). Printers and vehicle service facilities will also be targeted. A total of at least 10 businesses will be enlisted in the program as *Environmental Partners*.

II. Year Two: A total of 25 businesses will be enlisted as *Environmental Partners* and 5 of these facilities will be enlisted as *Model Facilities*. Amount of pollution prevented from businesses implementing EMS and enlisted in the *Partnership*.

B. Related Department Projects. - The following projects or portions of projects are expected to contribute to the success of this task.

- Project No. 026 - Environmental Leadership
- Project No. 027 - Information and Education
- Project No. 028 - Assistance

III-3. Environmental Assistance Coordination.

A planning process is underway to coordinate business environmental assistance efforts in Vermont by various entities and organizations, including public, private and non-profit. The DEC, Vermont Manufacturing Extension Center, and the Vermont Small Business Development Center are developing a coordination plan for such environmental services as pollution prevention, compliance assistance, permitting, and environmental management system implementation. The three steps to be completed in the next year include: (1) inventory of manufacturers' needs in environmental assistance and inventory of Vermont environmental assistance providers; (2) development of a coordination plan among major

assistance providers for delivery of services; and (3) a demonstration project to test the plan.

A. Indicator(s) of Success

I. Year 1: Steps 1-3 above completed.

II. Year 2: Number of coordinated business assistance projects completed by the partnering organizations. A target of three during year 2.

III. Year 3: Number of coordinated business assistance projects completed by the partnering organizations. A target of five during year 3.

B. Related Department Projects. - The following projects or portions of projects are expected to contribute to the success of this task.

Project No. 026 - Environmental Leadership
Project No. 027 - Information and Education
Project No. 028 - Assistance

III-4. Development of a DEC compliance policy

Last year's PPA mentioned that a DEC compliance policy would be developed in FY 97. Although the need for a policy has been discussed and initial information gathering has begun, the policy has not yet been drafted. It is envisioned that the overall DEC compliance policy would provide structure, guidance, consistency and equability to the compliance efforts undertaken by the various DEC regulatory programs. With such a policy in place it is also anticipated that the regulated community would have a better understanding of how and why the DEC reacts to various types of violations. This compliance policy could also be beneficial in clarifying the relationship, roles and responsibilities of DEC staff and the staff of the ANR Enforcement division.

A. Indicator(s) of Success - DEC compliance policy

I. A final DEC compliance policy.

II. Adoption of the DEC compliance policy.

III. Staff training on the policy and policy implementation.

IV. A more consistent approach taken across the DEC on compliance efforts. This will be indicated by a comparison of enforcement referral packages produced prior to the policy's adoption versus a number of the packages issued after the policy is adopted. The successfulness of the policy will be indicated if the latter packages show a greater degree of similarity both in the level of violation seriousness and the level of effort put in by the program to gain compliance than those packages prior to the policy.

C. Related Departmental Projects

Project No. 035 - XD Compliance Coordination

Project No. 020 - Department's Management Team

III-5. Develop and Implement a DEC I & E Plan.

The Agency of Natural Resources has selected three outcomes for improvement in 1998. One outcome is "knowledgeable citizenry in Natural Resources. The DEC could be more effective in improving performance on the outcome if it had a department-wide I & E focus. Currently the level of I & E effort varies widely between divisions. A department-wide plan would evaluate current efforts/procedures, identify improved methods and recommend I & E standards across the department. It would also estimate the resources necessary to carry out the plan. We will assure that a main element of this plan coordinates and improves our I&E efforts with watershed groups and other similar citizen groups.

It is anticipated just the plan would be developed by a team of I & E and other staff representing each division and be adopted by the Commissioner.

A. Indicator(s) of Success

I. Adoption and Implementation of a department wide I & E plan

II. Survey of persons receiving I & E indicates they believe they are more knowledgeable in natural resources issues or requirements.

B. Related Department Projects The following projects are expected to contribute to the success of this task.

- Project No. 029 - Training/DEC I & E
- Project No. 020 - Commissioner's Management Team
- Project No. 077 - Water Resource I & E
- Project No. 087 - Water Supply I & E
- Project No. 027 - EAD - I & E

III-6. Maintain Base Air Pollution Control Program.

The base elements of air pollution control are source inspections, industrial source permitting (for both construction and operation), air quality monitoring, air quality planning and motor vehicle emissions control. With cutbacks in personnel, many challenges are presented to maintaining the quality of the science and engineering necessary to support the air pollution control policies and goals of the State of Vermont.

A. Indicator(s) of Success -

- Maintenance of level of effort in state-wide air pollution control
- Work with EPA, as necessary appropriate and applicable, to implement an acceptable action plan to use electronic data interchange
- Provide stack test data to EPA for updating AP-42 Emission Factor Manual, upon request
- Provide applicable and appropriate information to the MACT database and the MACT Tracking System
- Coordinate with EPA on a joint CEMS field audit of Title IV Source

B. Related department Projects

- Project Number 011 - Air Pollution Control Permitting
- Project Number 012 - Air Pollution Control Compliance

Project Number 013 - Air Pollution Control Planning
Project Number 014 - Air Pollution Control Permitting
Project Number 015 - Air Pollution Control Mobil Source Control
Project Number 016 - Air Pollution Control Program Development

III-7. Track Electric Utility Restructuring.

Utility re-structuring has huge implications to air quality in Vermont. With 'open access' electric energy may come from providers not subject to same emissions control requirements of those providers located in Vermont or the region. This has the implication of increasing emissions in regions upwind of Vermont; those very regions Vermont has long advocated needed to reduce. Therefore without proper controls 'open access' will exacerbate the already intolerable long range transport of air pollution.

A. Indicator(s) of Success

Incorporation of comprehensive air pollution control requirements in state legislation creating 'open access' for electric energy marketing.

B. Related department Projects

Project Number 013 - Air Pollution Control Planning
Project Number 016 - Air Pollution Control Program Development

III-8. RCRA Program Development, Authorization, and Rulemaking

Authorization is a process States go through to obtain responsibility for the RCRA Subtitle C program. Vermont is authorized for a substantial portion of the RCRA program. During federal FY98, the Department will continue to develop a RCRA Authorization application for a revision and re-delegation of the hazardous waste program. Vermont's Hazardous Waste Management Regulations were last revised in 1991. Vermont will adopt several new federal rules, including some designed to reduce the paperwork burden associated with hazardous waste recycling. The Department has already conducted a significant outreach effort to ensure public input on the new rules; this outreach is a priority for FY98 for both the APA

process (formal rulemaking process) and for implementation of the new rules. The Department will complete all checklists and the Program Description. The Department will also continue to work on the MOUs, the MOA, and the AG's Statement.

Indicators of Success: Completed final Hazardous Waste Management Regulations (current through the 7/1/96 version of 40 CFR), completed checklists, and a completed program description will be the primary measures of success. Further, progress towards a final authorization application can be measured by the status of the following documents: AG's Statement; Compliance and Enforcement Strategy; Department of Health/ANR MOU; Department of Agriculture, Food & Markets/ANR MOU; and the four-way MOA (ANR, EPA, Health, and Agriculture). Further work towards a revised Hazardous Waste Management Plan is an additional measure of success for program development.

Related Department Projects: The following projects or portions of projects are expected to contribute to the success of the task. Further information on the projects may be found in Appendix A to this agreement.

- 060 - Technical Services - Hazardous Materials
- 061 - Sites Management - Hazardous Materials
- 030 - Rule Team
- 064 - Solid Waste Policy & Planning
- 095 - Groundwater Coordinating Committee
- 026 - Environmental Leadership
- 027 - Environmental Assistance - Information & Education

III-9. RCRA-related GIS and Information Management.

The Department will continue to develop the RCRA data layers for GIS by GPS locating, mapping, and third party sources. The Department will continue to report RCRIS and BRS data to EPA, and continue to use RCRIS to support compliance and enforcement activities. The Department requests EPA assistance and staff training in the area of RCRIS.

Indicators of Success: The percentage complete (or total number of RCRA points) of the RCRA data layer. Timeliness and accuracy of RCRIS

reporting. The number of GIS maps distributed as outreach or educational tools (an educated citizenry is one of the primary ANR goals), or used by another program to support environmental results.

Related Department Projects:

- 058 - RCRA Program (most of info mgt is in 060)
- 061 - Sites Management - Hazardous Materials
- 034 - Information Management Coordination

III-10. Permitting.

A RCRA permit establishes site specific administrative and technical standards to which a treatment, storage and disposal facilities must adhere in order to manage hazardous waste. Permits are issued by EPA, authorized states or both. The Vermont DEC will work with EPA on cross-cutting permitting issues during FY98 such as Subpart CC- air emission standards for tanks, containers and surface impoundments.

Indicators of Success: Indicators of success include: cooperative work with EPA on permitting issues; timely and appropriate permit modifications; identification of multi-media issues in both RCRA permits and other permits; and a timely response to any new applications received.

Related Department Projects:

- 032 - Permit Coordination
- 058 - UST permits
- 060 - Technical Services - Hazardous Materials
- 061 - Sites Management - Hazardous Materials
- 111, 112, 113 - Wastewater permitting
- 011 - Air Pollution Control - permitting
- 086 - Water Supply - permitting
- 069, 072 - Water quality permitting and wetlands CUDs

III-11. UST Program Development.

During FFY 98 the UST Program will complete the process of revising the Underground Storage Tank Regulations. The process was begun in 1996, and was delayed because the program staff decided to utilize the rule revision process as an opportunity to clear up conflicts between the UST rules and the state Fire Prevention Code. Although the resulting dialog has delayed the UST rule revision process, the staff believes that the final project will serve the regulated public better than if the UST rules had been updated without consulting the Department of Labor and Industry's Fire Prevention Division.

The program will continue to explore alternative means of promoting compliance and expedited enforcement actions, including evaluation of a field citation program. The field-issued Notices of Alleged Violation that are currently in use have proven to be a useful tool that bring swifter compliance while demanding less staff time than the traditional office-issued NOAVs.

Indicator(s) of Success - The primary measure of accomplishment in this area will be having new regulations in place by September 30, 1998. Another indicator would be the percentage of facilities that attain compliance within 60 days of receiving a field-issued NOAV.

Related Department Projects.

- 059 - Underground Storage Tank Program
- 030 - Rule Coordination
- 033 - Permit assistance

III-12. UST Data Management/GIS.

During FFY 98, the UST Program staff will work toward improving both the quality of its data, as well as improving the utilization of its data. Refinements to the UST database, addition of GIS/geopositioning information for UST facilities, and new analyses of the data already in the database should produce improvements in the way the staff utilizes its limited resources.

Indicator(s) of Success - One measure of accomplishment in this area will be having GIS data for a certain percentage (75%) of all UST facilities in Vermont in the UST database by September 30, 1998. Another measure will

be to resume implementation of the electronic tracking devices that were used so successfully in the past.

Related Department Projects.

- 059 - Underground Storage Tank Project
- 032 - Permit Coordination
- 034 - Information Management Coordination

III-13. PCF Sunset Date/Developing Alternative Funding Sources for the UST Program.

Since the petroleum cleanup fund is scheduled to sunset in 1999, and no other mechanism for financial responsibility appears to be readily available for most tank owners, the program staff will need to work with the PCF Advisory Committee and all stakeholders on either extending the sunset date or developing another affordable method of financial responsibility. This is likely to include working with stakeholders to make appropriate recommendations on legislation that may be needed. The program will also evaluate different means of funding sources for the UST program in the event that federal assistance proves inadequate to support the program to the extent that it has in the past.

Indicator(s) of Success - One measure of accomplishment in this area will be the successful implementation of either an extension of the PCF sunset date, or an alternative mechanism for financial responsibility, by the adjournment date (typically some time in May or June) for the 1998 legislative session.

Related Department Projects.

- 059 - Underground Storage Tank Program
- 060 - Waste Management Technical Services
- 061 - Site Management

III-14. Development of a Water Conservation Policy

In 1997 the Department participated in a water conservation study focusing on water use reduction in several Vermont communities. In FFY 98 the Department will follow up this work with the development of a Water Conservation Policy for the state. This policy will describe the appropriate role of water conservation in various activities regulated by the Department and will identify any statutory or regulatory changes needed to implement the policy. The policy will consider the benefits of advancing water conservation not only in public water supply systems, but also in other aspects of the use of the state's waters, such as withdrawals, diversions, agricultural activities, and industrial discharges. The policy will be developed as a joint effort with interested parties and stakeholders in this area.

Indicator(s) of Success - Adoption of a Water Conservation Policy by the Department in FFY 98.

Related Department Projects.

- 091 - Water Supply Program Management
- 074 - Water Quality Flow Management
- 020 - Commissioner's Management Team

CHAPTER 4 - SPECIFIC AREAS OF AGREEMENT

In addition to the priority strategies and activities discussed in Chapter 3, a number of specific areas have been discussed between EPA and the Department. This chapter addresses the results of those discussions and the agreements reached by the parties.

PART I - COMPLIANCE AND ENFORCEMENT

Assuring that all people comply with environmental and public health requirements (including state and federal statutes, regulations, permit conditions, enforcement actions, etc), which are the responsibility of the Department of Environmental Conservation, is one of our primary concerns. One of the main Department Goals, (Goal #15 “People comply with statutes and rules which are administered and enforced in a fair and consistent manner.” See Chapter 2, Table 1, for more information) addresses this issue.

Compliance comes from a number of different sources. First and foremost, compliance is the result of a citizenry that understands the environmental and public health reasons for federal and state requirements. If these reasons are well understood by all of the public, compliance is much easier to assure, and peer pressure can be counted on to achieve a remarkable level of compliance.

The second source of compliance comes from the compliance programs that are carried out by the Department and EPA. These programs provide an oversight for permitted activities and for regulated, but non-permitted activities. These oversight functions review monitoring data, results of inspections of permitted activities, the results of activities which are regulated but not permitted, and respond to complaints from all sources concerning potentially noncomplying actions. The compliance programs provide information to permittees and parties responsible for regulated activities concerning possible non-complying situations, request action to achieve compliance, provide technical assistance in many cases to encourage compliance, and, in appropriate instances, forward non-complying situations for formal enforcement.

The last source of compliance comes from formal enforcement actions, taken when other steps to achieve compliance have failed, or in some cases, where a past violation has been corrected, but its impacts warrant a penalty. The formal enforcement source must be integrated with the other two prior steps, must provide a fair, equitable, even-handed and understandable bottom line to the overall compliance process. These actions include such things as court orders or formal legal settlements. The enforcement step should attempt to educate citizens as part of its function. In Vermont, one of the more successful educational steps we have in the enforcement step is the use of Supplemental Environmental Projects (SEPs). SEPs allow the use of part or all of an enforcement penalty for a project which directly benefits the environment or public health, and which generally has some relationship to the original violation. In almost all cases these SEPs contribute significantly to environmental education.

A. Education and General Assistance.

Outreach/Training

State and federal program/technical requirements are comprehensive and complex, and require information transfer to inform the regulated community. Failure to communicate program requirements (PWS; UIC; BW; SPP/SPA) to the regulated community, increases the potential for noncompliance and threats to the public health and environment.

Providing outreach and training the regulated community are critical activities that result in increased compliance with program requirements and increased protection of the public health and environment. An informed regulated community helps maximize voluntary compliance with program requirements and reduces the requirement for formal enforcement actions to achieve program objectives.

B. Compliance and Assistance

Air Pollution Control Compliance (Project Number 012) - Administered by the Air Pollution Control Division

- a. Program management.

All compliance monitoring within the Vermont Air Pollution Control Division (APCD) is handled by the Field Services Section. Technical assistance in the area of quality assurance for continuous emissions monitoring systems is provided to the Field Services Section by the Division's Technical Services Section. The Field Services Section is currently composed of six positions: the section chief, four environmental engineers and one temporary employee. All activities are performed out of a central office located in Waterbury, Vermont.

b. Compliance Monitoring.

For FY98 the APCD will focus its compliance efforts on the state's air toxics regulation, sources that have received Title V operating permits, and sources affected by the air quality status of the state within the Ozone Transport Region, with special emphasis on VOC/NO_x RACT and Stage I and II gasoline vapor recovery.

The priority areas for compliance monitoring are:

- Sources of air toxics
 - chrome electroplating
 - metal/I.C. cleaning with chlorinated solvents
 - wood finishing and coating solvents
 - dry cleaning
- Ozone Transport Region requirements
 - VOC/NO_x RACT
 - VOC/NO_x majors
- Stage I and II gasoline vapor recovery
- Sources with Title V operating permits
- Citizen complaints

The compliance activities carried out to implement those of the above priorities related to industrial or institutional sources will be guided by the use of the Inspection Targeting System, as tailored for use in Vermont. An inspection plan for routine stationary source inspections in Vermont generated by the ITS, version 3.7D, using the most current data on Vermont sources, will be submitted as a separate document. As indicated in this plan, Vermont intends to inspect 100 sources from this list during FY98.

Vermont's version of the ITS incorporates a toxics ranking scheme developed with the assistance of Perrin Quarles Associates. We believe that this scheme is effective in assuring inspections of all high priority toxics sources included in the ITS. Inspections of sources subject to the RACT regulations for solvent metal cleaning and coating of miscellaneous metal parts are also covered by the ITS. The APCD will also inspect as many sources holding Title V operating permits as possible during FY98. Most of these sources already receive annual inspections as a result of the use of the ITS inspection criteria. In addition to the sources ranked by the ITS, Vermont intends to inspect the following sources, consistent with national priorities:

- NO_x RACT: Simpson Paper Company, Gilman
- VOC RACT: U.S. Samica Corporation, Rutland
- Perchloroethylene Dry Cleaners: 5 - targeting dry cleaners with past problems.
- Stage I vapor recovery: 150 gasoline service stations. We will target stations with an unknown compliance status (non-responders to compliance survey).
- Stage II vapor recovery: 45 performance tests observed; 20 routine inspections.

Hazardous Waste Management (Project Number 058) - Administered by the Waste Management Division

The hazardous waste management program establishes the regulatory framework for all hazardous waste generated in Vermont and provides a "cradle-to-grave" tracking system for these wastes. The program addresses the environmental and human health problems that arise from the mismanagement of hazardous waste. Improper management of hazardous waste can pollute vast areas of land, rivers, streams and lakes, and can lead

to unacceptable human exposure to these materials. The program is intended to be a prevention program -- if successful, these impacts do not occur.

The purpose of the program is to ensure the proper management of all hazardous wastes generated, transported, treated, stored, recycled, or disposed of in Vermont. The benefit of the proper management of these waste is the avoidance of the risks associated with improper management, such as the pollution of land, water and air, and human exposure to toxic and carcinogenic materials.

1. RCRA Inspection Targeting

The Vermont RCRA program targets inspections by a number of criteria. For FY98, Vermont proposes to combine three targeting methods for its inspections: (1) the community-based approach (a town has been selected, but will be kept confidential until we can meet with town officials); (2) the sector approach (transportation facilities and fleet maintenance); and (3) historical program targeting based on the time since the last inspection, the result of the last inspection, the overall compliance history, and complaints. Vermont proposes to do approximately 90 inspections total, distributed as follows: 35 being community-based; 7-10 sector based; 40 historical targeting; and 4 Treatment, Storage and Disposal Facilities. The breakout by RCRA handler type is as follows: 4 TSDF; 15 LQG; 26 SQG with half partials; 45 other (CEGs, transporters, complaints, etc.).

2. RCRA Compliance Assistance

The Vermont RCRA program has historically provided compliance assistance in a number of forms, including: responses to telephone and walk-in inquiries; responses to letters from generators, attorneys, and consultants; prepared talks for trade groups; organized talks that target a sector or geographical area; and the mass mailing of fact sheets and guidance documents. For FY98, the program proposes to target compliance assistance efforts in the town that is selected for the community-based portion of the compliance activities by involving town officials (town manager, health officer, planners, etc) in discussions on promoting compliance from a local level. The routine "office-based" assistance will continue; it is an integral part of our program's customer service. In addition, targeted outreach will

be conducted for those who will be affected by the changes in the Vermont Hazardous Waste Management Regulations.

3. RCRA Compliance Program Staffing

There are currently four staff members, a coordinator, and a supervisor directly involved in RCRA compliance activities. The four staff members are the primary inspectors, and devote between a half and three quarters of their time to RCRA compliance (the remaining time goes to RCRA permitting, corrective action, outreach, etc.). There are three additional staff members who work on RCRA compliance as smaller portion of their job duties.

Underground Storage Tank Program (Project Number 059) - Administered by the Waste Management Division

All Vermonters depend on clean water. Leaking underground storage tanks (USTs) pose a substantial threat to both human health and the environment, because substances leaked from these tanks are one of the most significant contaminants impacting ground and surface water supplies. In densely developed areas, releases from underground tank pose an additional risk, since gasoline vapors can accumulate in basements and crawl spaces, posing health hazards as well as fire dangers.

By regulating the installation, operation, and closure of USTs, the Underground Storage Program protects the state's water resources and prevents vapor impacts to buildings.

Waste Management Division Field Services/Spill Response (Project 062) - Administered by the Waste Management Division

Approximately 400 spills or complaints involving hazardous materials are phoned in to the Division per year. In addition, sites where hazardous materials have been released into the environment are constantly being discovered. These incidents impact or threaten the environment by contaminating surface water, ground water, soil, and air. These incidents

may also be human health risks, by threatening or impacting drinking water supplies, or creating conditions dangerous to human health (flammable, explosive, toxic). The program assists impacted members of the general public, businesses, emergency response organizations, and local and state government.

The Spill Response and Field Services serves to protect human health and the environment by investigating spills and complaints to determine the impact on human health and environmental media. The benefits of this program are that spills and complaints are evaluated for impacts, and cleanup is conducted if impacts are found. The program investigates incidents to determine responsible parties, and directs those responsible to conduct cleanup operations to state standards. If responsible parties are unwilling or unable to conduct cleanup efforts, Spill Response/Field Service personnel have the authority to expend state funds to have the situation dealt with according to state standards. This program helps minimize human health risks and environmental impacts associated with exposure to hazardous materials.

Wetlands Management (Project Number 069) - Administered by the Water Quality Division

Complaint Investigation & Enforcement Actions (069-30) -
Description: Respond to complaints of violations of the Vermont Wetland Rules, delineate boundaries, prepare NOAVs, AOs as required, monitor restoration. Develop enforcement tracking system.

Class One and Two wetlands and their associated buffer zones are regulated under the Vermont Wetland Rules to protect such valuable habitats from the adverse effects of draining, dredging, filling and other similar activities.

The Wetlands Office staff responds to complaints, as well as to violations of the Rules that they observe in the field, by assisting the public understand the Wetland Rules and delineating the protected areas. The staff may prepare NOAV's and, if necessary, where compliance is difficult to achieve, assist in the preparation of an AOD or AO. The staff is involved in follow-up monitoring of the restoration activities.

Approximately fifty complaints are investigated each year. Minor violations are corrected with instructions from Wetland Coordinators. A computer data base is used to track violations and follow compliance. The five Wetlands staff members have been able to respond to most complaints although some follow up may be delayed for several months during the busy field season.

Each year the Wetlands Office targets one or more audience types for mass mailing or workshop talks. The audience receives an explanation of the program requirements and how to conduct a project in compliance with the Rules.

WATER SUPPLY SANITARY SURVEYS (Project Number 085) - Administered by the Water Supply Division

A critical role for Vermont's PWSS program is to educate PWS owners regarding program requirements. The sanitary survey helps fill this need by providing technical and regulatory assistance; the identification of system deficiencies; and information on compliance requirements. Federal regulations require PCWSs and NTNC PWSs to perform sanitary surveys of their systems not less than once every five years.

Sanitary surveys allow WSD staff to inspect water systems with owners/operators; answer questions and provide technical assistance; identify system deficiencies/update inventories; explain regulatory requirements; and discuss agreements/schedules for system improvements. In addition, information collected from the sanitary survey is used to develop the PWS Operating Permits and to update water system inventories. The sanitary survey is conducted every five years for both Public Community Water Systems and Non-Transient, Non-Community Water Systems.

For the UIC Program, inspections have not been targeted except through extensive use of the department's multi-media inspection program. Through the compliance inspection activities of other department programs, (Solid Waste; Hazardous Waste; Wastewater Management; etc) information regarding potential UIC activities are reported to UIC Program management

which, as required, may initiate a follow up on-site inspection.

Waste Water Compliance and Inspections (Project Number 116) - Administered by the Wastewater Management Division

It is necessary for the Division to collect and manage data on compliance and inspection activities to determine needed program changes, adequacy of current processing procedures, necessary enforcement activities and meet Environmental Protection Agency requirements for delegated programs. In order to maintain an effective regulatory program and to meet EPA delegation needs, the division conducts field investigations of treatment and laboratory facilities and provides field assistance to operators for daily operation and emergency situations.

The data management is a base project which is expanding slowly as we receive additional delegation or other management systems are created and data must be maintained. Loss of administrative staff has reduced the resources available for this work sufficiently that some data is not being kept up to date in electronic format but is merely being filed in hard copy for future entry if time allows.

The inspection program is a base program which is being modified to maintain its effectiveness while responding to staffing losses. This program is essential to maintaining adequate knowledge of the effective operation of pollution control facilities and a good working relationship with the regulated community. Due to high turnover in the operating personnel, the owners of facilities often rely on our people to provide guidance based on our broad based experience when difficult circumstances arise.

Inspections of NPDES facilities are targeted at EPA designated “major” facilities with the exception that inspections for problem “minor” facilities may be substituted for complying “major” facilities. In addition, self-assessments may be substituted for on-site inspections at complying “major” municipal facilities.

Inspection of “minor” NPDES facilities are targeted through review of

compliance data or based on knowledge of past and present operational difficulties and facility age, condition, and deficiencies.

State statute also requires that all municipal facilities be inspected at least once every three years. (10 VSA 905)

Inspection of industrial pretreatment facilities are targeted at EPA designated “significant industrial users” with inspection coverage targeted at 80% annually.

Formal technical assistance projects are funded through 104(g) or 104(b) federal grants. Grant requests are targeted at treatment types (Ex: Aerated Lagoons), industry types (Ex: Dairy Industrial), or problem areas (Antiquated clarifier design), which have been identified by inspection staff and which are consistent with 104 grant program goals.

More informal technical assistance activities are targeted at those facilities where; there are known operational problems or facility deficiencies which can be corrected through short term technical assistance projects; and the permittee requests the technical assistance; and the permittee has made an up-front commitment to implement the recommendations resulting from the technical assistance.

During the term of this agreement the Department will continue to discuss with EPA the necessity of administering a survey to significant industrial users.

There is a total of six (6) staff assigned to these activities in the Wastewater Management Division.

Waste Water Technical/Admin Assistance (Project Number 119) - Administered by the Wastewater Management Division

Applicants or permittees and other divisions and agencies or the general public often need assistance to meet our requirements or in securing information necessary to their business or relative to compliance with regulations. Regulations must be based on accurate scientific information

regarding health and environmental issues.

This activity provides the assistance or acquires the data necessary to satisfy the public need or develop the background necessary for decision making.

XD WWD Municipal Self-Assessment (Project Number 121) - Administered by the Wastewater Management Division

Certain projects encompass activities in several divisions and can only be effectively carried out by cooperation between divisions with a designated lead division. This division is lead for the municipal self-assessment and financial management evaluation project which has several participating divisions. Municipalities frequently leave the operation of their treatment facility to their operator and pay no attention to either its operation or the financial support necessary to keep this investment in good condition. Frequently this results in non-compliance due to poor operation or failure of treatment units.

In order to create more awareness and effort by municipalities to this end the Department has created a form that municipalities can use to assess the annual condition and operation of these facilities. This information is used by the division to establish priorities for assistance or direction given to municipal systems. In some cases they support or moderate enforcement activities. Annual involvement by municipal officials in the operation and condition of their facility gives them advance knowledge of deterioration, budget needs compliance issues and the like. Since this is a volunteer activity the process enhances the relationship of the division with the regulated community. When a small community is found to be in serious difficulty the department can provide a thorough evaluation of their management process and assist them in bringing their facility into satisfactory condition.

Multi-media and Cross Media Compliance and Assistance (Project Number) - Administered by the Environmental Assistance Division

During the coming year the DEC will continue to focus its efforts on various multimedia inspection and compliance initiatives which were started during the past year. Below is a summary of the current status of these initiatives as well as DEC intended course of action regarding them.

Multimedia Inspection Accomplishments in 1997

Three different types of multimedia inspections were utilized last year with varying degrees of success:

1. Team inspections consist of a pair of inspectors going on-site together to an industrial or commercial facility. Due to the fact that each of these inspectors have been cross-trained, the pair is capable of conducting inspections for up to 4 different regulatory programs. The on-site inspection results in a coordinated inspection report being sent to the facility owner which covers all of the programs inspected for. This type of multimedia inspection was piloted at 5 facilities this year with mixed results. Four of the facility owners offered positive comments in a feedback survey conducted as part of the pilot. On the other hand, the participating inspectors indicated that these inspections were much more time-consuming and that they were much less efficient overall than the usual single media inspection. While the team inspection appears to serve a good purpose in certain instances, it is probably not going to be DEC's multimedia inspection type of choice due to the resource cost issue.

2. The DEC inspectors who were cross-trained in a second regulatory program are capable of conducting a "screening inspection" in that program as well as a full blown inspection in their own regulatory program. By conducting the screening inspection in addition to a full inspection in their own program while on-site at a facility, these inspectors are able to efficiently provide oversight for the 2 programs during one field visit. This type of multimedia inspection was conducted at about 40 facilities this past year and appears to be a more promising, less time-consuming way of performing multimedia inspections than the team inspection.

3. Whenever one of the cross-trained multimedia inspectors goes to an industrial/commercial facility, they completing a "multimedia check sheet". This check sheet requires that the inspector document their observations on potential violating situations for the Air, RCRA, UIC, UST and Wastewater programs while on-site. Copies of the check sheet are then forwarded to the responsible program(s) for follow-up to any cited problem areas. This form of multimedia

inspection has been successful--the check sheet takes only 5 to 10 minutes to complete and it has particularly helped the UST and UIC programs in their efforts to register these potential sources of pollution.

Multimedia Inspections in 1998

Although the use of team inspections is currently being evaluated, it is anticipated that they will be used infrequently in 1998 due to their efficiency problems. At this point, it appears that team inspections will be used where there is a potential for a multimedia enforcement action or, time permitting, upon the request of a facility. The anticipated number of team inspections in 1998 is 4.

Screening inspections will continue to be used at specified facilities. At this time it is estimated that 35 to 50 multimedia screening inspections will be conducted in 1998. These facilities will be targeted in consideration of the regulatory cross-over which exists at the facility and the availability of the necessary cross-trained inspector.

The multimedia inspection check sheet will be completed whenever the cross-trained inspectors go to an industrial/commercial facility. The number of multimedia check sheets which will be completed in 1998 is 175.

Compliance Assistance Accomplishments

Two major compliance initiatives were implemented this past year -- incentives for self-evaluation and the Small Business Compliance Assistance Program (SBCAP).

The ANR procedure for incentives for self-evaluation was signed by the Agency Secretary in December 1996. This procedure encourages all entities regulated by DEC to voluntarily discover, disclose, correct and prevent the recurrence of violations of state environmental regulations. Depending upon the method used to discover the self-reported violation, the entity may be eligible for either a reduction or a total elimination of any potential penalty associated with the violation. By allowing the total elimination of the penalty if the violation was discovered through the use of an established compliance management system, it is hoped that more entities will utilize a CMS as a means of insuring that compliance is maintained and/or violations are quickly discovered, corrected and prevented. In order to offer continuing protection of the environment and public health, the procedure has 10 explicit criteria which self-reported violations must meet in order to qualify for the penalty reduction associated incentives. This procedure has been

mailed to various trade groups and the Vermont League of Cities and Towns and has been the topic of various talks with the regulated community. This admittedly limited marketing effort has resulted in no requests for the procedures use by the public. Comments received indicate that a large part of the regulated community's hesitancy to use the procedure is due to what they perceive as a high risk of ensuing enforcement and/or penalties in the likelihood that DEC determines that the disclosed violation does not to meet the 10 applicable criteria. **In FY 98**, DEC will extend the life of this procedure for the coming year and will renew its marketing efforts of this program to ensure that the regulated public fully understands the procedure and its benefits.

The Small Business Compliance Assistance Program (SBCAP) was also implemented this year with the hiring of the compliance engineer. This program is targeted to all small businesses (<100 employees) although larger businesses will be assisted as time permits. The SBCAP is comprised of two parts--the office based and the on-site. The office-based portion provides a toll free hot line which small businesses may call to ask their environmental compliance questions. They may ask these questions anonymously if they wish. The office-based program has also produced a compliance manual for printers which enables this small business sector to perform a self-audit to determine noncompliance problems on their own. The on-site portion of the program enables the small business to ask that an on-site compliance review be conducted by the compliance engineer. The engineer will go on-site to the facility and point out any environmental violations that are found so that the facility can voluntarily correct them. Only in the event that a violation is considered a substantial threat to the environment or public health will it be reported by the engineer to the responsible regulatory program for potential enforcement follow-up. Marketing of the SBCAP during the past year has taken the form of an informative brochure, a fact sheet, contacts with various trade associations and articles in various publications. Although this marketing has resulted in phone calls from small businesses for answers to their compliance questions, there have been no calls requesting a complete on-site compliance review at this time. It is suspected that a major reason for this lack of interest is due to distrust of DEC by the regulated community. In FY 98, DEC will continue its marketing of this program by working with the chambers of commerce, VT Department of Economic Development, and trade associations. Letters are being sent to our state senators and representatives asking them to support the use of this program with their constituents. The newly formed Compliance Advisory Panel comprised of small business representatives, consultants and a state representative

will be asked at their first meeting in October for their thoughts on how to increase the use of this program. Calls for on-site compliance reviews will also result as the DEC builds on the success of the office-based portion of the program (the hot-line assistance and sector specific compliance manuals). The SBCAP will also develop a compliance manual for the automotive service sector in FY 1998.

Promotion of Supplemental Environmental Projects (SEPs)

Although DEC supports the use of SEPs it is apparent that they are not always encouraged during every enforcement action that is undertaken by the Department. In an effort to increase the potential use of SEPs, the DEC will develop a policy in FY 98 which will help to guide DEC staff in the use of this compliance tool.

Dealing with Identified, Significant Non-Compliers

According to national enforcement policy, implementers of the programs to enforce the Clean Air Act, the Clean Water Act, The Safe Drinking Act, and the Resource Conservation and Recovery Act are required to identify and address significant noncompliers (also called significant violators) to minimize or eliminate risk to human health and the environment. DEC agrees to (1) undertake targeting strategies and inspection protocols designed to identify significant noncompliance, (2) identify detected significant noncompliers in national enforcement databases, (3) communicate and coordinate with EPA on the enforcement action undertaken in response to the significant noncompliance, and (4) address these identified facilities with enforcement responses sufficient to assure compliance and recovery of penalties, as appropriate. Monetary penalties recovered should be in accordance with federal and state penalty policies, but never less than the economic benefit of noncompliance and a gravity-based penalty sufficient to deter further noncompliance.

Summary of Activities

The following table summarizes the major activities we intend to undertake in the compliance area during the period of this agreement

Table 4-1

Project or activity name	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total for the Year
Air Pollution Control Compliance Inspections					320
Hazardous Waste Management Compliance					90
Underground Storage Tank Inspections					400
Waste Management Division Spill Response					400
Wetlands Management Complaint Investigation and Enforcement					50
Water Supply Sanitary Surveys					95 PCWS 40 NTNC
UIC Follow-up Inspections					15 to 20 UIC
Wastewater Treatment Inspection Reports					75
Wastewater Treatment Laboratory Inspection Reports					30

C. Enforcement

Waste Water Enforcement

It is necessary to enforce the Division's regulations to protect public health and the environment.

Enforcement by the Division assures that the regulated activities are conducted properly and the failure to comply is enforced reasonably, fairly and equitably. This activity includes action taken after a notice of alleged violation is not complied with and includes Assurances of discontinuance and Orders.

Enforcement Division

Where voluntary compliance efforts do not produce adequate results, formal enforcement action is taken by the staff of the Enforcement Division. The Enforcement Division is now part of the Agency of Natural Resources, providing additional complaint investigation and formal legal actions to all of the Agency's programs. This division is staffed with a total of 14 people, which include three attorneys and nine investigators. Priorities for enforcement fall into a three tier system. The first, or highest priority for enforcement, is for alleged violations which may threaten, or pose a threat to, public health. The second tier consists of those alleged violations which adversely affect the environment. The third tier includes alleged violations which do not directly affect either public health or the environment, but which do violate a statute, regulation, permit, court order, or other regulatory document, and often affect regulatory program integrity.

The Department intends to continue with its past level of enforcement activities during FFY 98. In general, the Enforcement Division has accepted all referrals from the Department's operating divisions, and that level of service is expected to continue in FFY 98. The Department will complete the development and adoption in FFY 98 of a compliance policy to assure a

consistent approach to enforcement across all media. During FFY 98 the Department and EPA, Region I will continue to engage in regular compliance related communications to assure a coordinated approach to enforcement efforts. The Department will continue its practice of investigating tips and complaints quickly to ensure compliance. We have found that, given the compliance monitoring source base in Vermont, our current practices ensure an even coverage of compliance monitoring efforts throughout the state.

The Enforcement Division expects to enter into between 60 to 70 formal Assurances of Discontinuance, issue approximately 5 to 10 formal Administrative Orders, and 5 to 10 Emergency Orders for programs covered by this Agreement during FFY 98. At mid-year and end-of-year, the Enforcement Division will report existing information about the number of settled or resolved enforcement actions and final assessed penalties for each category of enforcement action.

PART II - PERMIT AND COMPLIANCE ISSUES

A. NPDES Permit Program

The State of Vermont has administered the federal NPDES permit program since March of 1974. Vermont currently has 53 industrial and 93 municipal NPDES permits of which 34 are designated as majors (27 municipal, 7 industrial).

The current backlog of NPDES permits (expired for greater than 6 months) consists of 8 industrial permits (one major) and 5 municipal permits (one major).

The priorities for the NPDES permit program in the upcoming fiscal year (FY 98) are as follows:

1. Eliminate all backlogged major NPDES permits (2)
2. Reissue all NPDES majors which expire in FY 98 (7 industrial, 6

municipal)

3. Maintain an overall permit application backlog of less than 10%.
(The percent is determined by the number of expired permits over the number of total permits)

4. Issue and implement the NPDES general permit for storm water runoff from industrial activity.

B. Pretreatment Discharge Permit Program

Vermont has administered the federal pretreatment discharge program since March of 1982. The program currently oversees 52 permitted facilities of which 15 are designated as significant industrial users. The program currently has a backlog (expired for greater than six months) of permits, one of which is permit for a significant industrial use.

The priorities for the pretreatment discharge permit program in FY 98 are as follows:

1. Eliminate the backlog of permit applications for significant industrial users (1).
2. Reissue all significant industrial users permits which expire in FY 98 (1).

C. EPA/State Agreement on use of Municipal Self-Assessments for Wastewater Treatment Plants

The Department and EPA have agreed to focus again on Vermont's municipal self-assessment program which provides technical assistance and involves municipal officials in the evaluation of their treatment facilities. The long term goal of this program is to substitute self-evaluations for on-site inspections every other year for up to 50% of Vermont's facilities which are in significant compliance. This second year the voluntary participation program will be initiated again with emphasis to increase participation and seven (7) major facilities will be chosen for substitution of self-assessments

for on-site inspections. Minor facilities not scheduled for on site inspections will be evaluated for semi annual participation in the self assessment program.

Our technical assistance will be targeted to bring facilities which receive low ratings into a higher rated category.

For projects which receive in-depth technical assistance involving the Financial Management & Operations evaluation, coordination with the water supply facility will be considered, in order to maximize our on-site presence if appropriate. This is possible due to the blending of programs allowed under the Performance Partnership Grant.

Compliance inspections and technical assistance will have a considerable focus on laboratory facilities and the satisfactory derivations of accurate self-reporting data. Our recently revised laboratory manual and our annual workshops also target this important compliance area.

D. Screening Inspections for Wastewater Treatment Plants

As agreed to in the FFY 97 PPA, Vermont may substitute a wastewater screening inspection for any SIU inspection required by EPA when Vermont finds a wastewater screening inspection to be adequate. The Department will conduct a minimum of eight (8) SIU inspections during the period of this agreement. Sampling inspections will be performed at SIU facilities as required by EPA, however, the sampling inspections need not coincide with the wastewater screening inspections. The wastewater screening inspection form that defines the coverage involved in this level of inspection has been provided to EPA. The success of Vermont's on-going multi-media inspection efforts depends on the flexibility of being able to use screening inspections where appropriate for some media. EPA has agreed to do three (3) SIU inspections.

E. Clean Air Act Title V Operating Permits

The Operating Permits Program is an important air pollution control strategy. The Vermont stationary source permitting program incorporates

both state and federal requirements into a program which integrates these legal requirements, as well as new source construction permitting requirements into one operation. This integrated and coordinated approach is a service to the regulated community; simplifying all the permitting requirements in one operation and yields a program which is more comprehensive in scope than those required under the than the Clean Air Act (both Title I and Title V).

Successful Title V implementation is important both at the state and federal level. Given the highly integrated nature and the longevity of the Vermont permitting program on and the evolving nature of elements of federal requirements, agreement on program implementation is important. At present, there are outstanding issues in the coordination and implementation of permit decision making. A means to address these issues is an Implementation Agreement on the Title V Operating Permits Program. A draft agreement has been developed by EPA. The Air program has this document under review and will propose a revised document by March 15, 1998, and commits to an deliberative process with EPA toward an acceptable document by September, 1998.

F. Control of Asbestos from Demolition/Renovation Activities

The Clean Air Act provides for the control of asbestos for activities involving asbestos demolition/renovation. In Vermont, this program has been incorporated in a pre-existing asbestos control program operated by the Vermont Department of Health through a Memorandum of Understanding between the two programs. In supporting the Health Department's regulatory program for asbestos abatement, the DEC/Air Pollution Control Program "passes through" Clean Air Act Section 105 funds to support program activities. The Department of Health interacts directly with USEPA on technical and regulatory matters. A copy of the Department of Health workplan is attached as Appendix B.

Vermont feels that the issue of dual notification of asbestos demo/remo projects without full delegation under 112(1) continues to be an issue that threatens continued delegation of this program to the state. EPA will work with Vermont to resolve this issue in this grant period. EPA understands how important this issue is to Vermont.

Indicator of Success - During the second quarter of FY 98, EPA will meet with VT to discuss the possibility of Vermont receiving a single notification (to the state only) of asbestos demo/remo projects.

G. DEC Water Pollution Control Funding/Enforcement Strategy

The Department has had a water pollution control priority rating system and construction strategy which has been essentially unchanged for many years. This was possible because the total funds available for federal loans and state grants were sufficient to fund most projects with high priority and/or enforcement schedules without unreasonable delay.

Recently, considering the needs for the phosphorus removal projects to meet the NY/VT agreement, as well as needs for economical solutions to raw sewage discharges and combined sewer overflow projects, it has become apparent that there is insufficient funding to complete all the work necessary in the timeframes originally contemplated.

The Department has not considered this dilemma in a comprehensive fashion

which would allow balancing relative risks and environmental protection. We believe it is appropriate to take the better part of the next year and develop a strategy for pollution abatement for the next 5 to ten years, in the manner we have done in the past for primary treatment, secondary treatment and phosphorus removal strategies. This will allow us to involve the public, EPA, and other financing agencies as well as key legislative committees on the balancing and timing required and receive their commitment to our final course of action. This strategy would be the expected output for this PPA.

While we are developing the strategy, we expect to put on hold enforcement of certain pollution abatement projects which are likely to be affected by the final strategy. EPA by acknowledging the PPA agrees to review our decisions in this area and advise us of their acceptance or non-acceptance of the state's decision regarding enforcement for any given project. It will not affect EPA's authority to enforce any action which they feel is necessary to proceed with from their perspective.

PART III - POLLUTION PREVENTION AND STATE ACTIONS TO SUPPORT EPA INITIATIVES

A. EPA Initiatives

New England StarTrack Program

Vermont will work with companies that agree to be StarTrack participants in FFY 98. For the StarTrack program, Vermont will work with EPA to: 1) review program applications, participate in compliance screens, and select program participants; 2) develop and secure signatures for project agreements with each participant; 3) observe compliance and EMS audits conducted at participating facilities; 4) review and evaluate audit certification, and environmental performance reports for each project, and; 5) provide input to EPA to develop and improve the StarTrack program, specifically through comments on program guidances and participating in program and individual project evaluations.

Environmental Leadership Program

Vermont agrees to work with companies in Vermont who apply to the national ELP program. This would include helping EPA to: 1) Review program applications, participate in on-site visits and select program participants; 2) guide selected Vermont companies in refining their proposed projects and agreements; 3) develop and secure signatures for project agreements with each participant; 4) to oversee completion of project activities (level of project oversight varies by agreement and can be very minimal), and; 5) provide input to develop ELP.

XL Projects

Vermont agrees to work with applicants that are identified by EPA for the SL program. XL projects will demonstrate the applicant's eXcellence in Leadership. Ideal XL projects will test alternative approaches to environmental protection and will result in superior environmental performance at less cost. Vermont agrees to work with EPA on the regulatory flexibility or at least a new regulatory interpretation that is required by the XL project, as well as set up a project-specific stakeholder involvement plan.

B. Pollution Prevention Incentives Program

The State of Vermont has received funding under the Pollution Prevention Incentives for States federal grant program since 1990 to support pollution activities and projects with business and industry and state government. In FY 98 Vermont submitted a pre-proposal for pollution prevention activities that has been negotiated with the EPA Region I pollution prevention program. These activities are to be funded at a level of \$80,000 federal funds.

The priorities and activities include:

1. Development and implementation of the Vermont Business Environmental Partnership, a business certification/recognition program that encourages the implementation of environmental management systems;
2. Development of two sector-specific compliance/P2 guides for Vermont business and industry;
3. Development of a pollution prevention workshop; and
4. Pollution prevention integration activities in permitting, compliance and enforcement programs.

Approximately \$40,000 of federal funding will be passed through to the Vermont Small Business Development Center's Environmental Program for pollution prevention assistance to businesses and on-site business assistance activities conducted as part of the Vermont Business Environmental Partnership. See attached narrative and work plan.

PART IV - QUALITY ASSURANCE PROGRAM

A. Surface Water Monitoring Strategy

The Department's surface water quality monitoring continues to support an assortment of water program activities. The monitoring activities

represent a balance between short-term intensive and long-term trend monitoring. Monitoring activities are critiqued annually during program assessments to determine effectiveness in generating desired results. The Department has agreed to undertake a review of all its surface water monitoring programs during FY 98 in accordance with the EPA Monitoring Strategy Guidance. Vermont will submit a multi-year ambient monitoring strategy (which will be a portion of the Department Monitoring Strategy) to EPA on April 1, 1998 as part of the 1998 305(b) report.

B. Quality Assurance Project Plans

The USEPA requires that a satisfactory quality assurance project plan be submitted to EPA’s Quality Assurance Office for any project funded in whole or in part by EPA if the project includes sampling and analysis activities. The Department/Agency supports this policy for project funded in part or whole by state funds. The information in these Quality Assurance plans will allow EPA and state project officers to determine if the data are of know and defensible quality.

The Department’s Laboratory has an EPA approved Quality Assurance Plan, which is designed to assist Laboratory users in the preparation of Quality Assurance Project Plans. Vermont’s environmental programs needing to meet EPA’s/state requirement for a QA Project Plan can reference the Laboratory QA Plan and will only need to submit to EPA and/or the state a brief description of the project including its goals, its sampling program and its relationship to the DEC Laboratory. This assumes that all analysis will be performed at the DEC Laboratory and the data quality objectives of the project plan are met by the method in use.

The 16 elements of the laboratory’s Quality Assurance Project Plan are:

1. Title Page	9. Analytical Procedures
2. Introduction	10. Data Reduction, Validation & Reporting
3. Project Description	11. Internal Quality Control Checks

4. Project Organization	12. Performance & System Audits
5. Quality Assurance Objectives for Data Measurement	13. Preventative Maintenance
6. Sampling Procedure	14. Data Measurement Assessment Procedures
7. Sample & Document Custody Procedures	15. Corrective Action
8. Calibration Procedures & Frequency	16. Quality Assurance Reports to Management

The Department currently requires all programs or projects engaged in field sampling, monitoring, or laboratory analysis to prepare an acceptable quality assurance program.

C. Surface Water Quality Assurance Contacts

The quality assurance contacts at the state level for surface water will be Neil Kammen from the Lakes and Ponds Section, and Jean Nicolai from the Water Supply Division for water supply issues.

PART V - PROCESS TO AWARD PORTIONS OF THE FEDERAL GRANT FUNDS PASSED THROUGH TO OTHER AGENCIES

A. Nonpoint Source (NPS)/Section 319.

For the purposes of controlling NPS discharges, the Department will utilize a process successfully employed in previous funding years. The process for awarding a portion of NPS funds to other agencies to be followed under the FFY 98 PPA/PPG is outlined below:

- 1) Develop a Request for Proposals (RFP) which defines the priority areas for funding. Geographic and topical priority areas for NPS funding will be specified. The RFP will also specify eligible activities for funding. The RFP will be limited to activities which are consistent with NPS implementation and take into account the priority elements of

the FFY 98 PPA, among other considerations. The RFP will be submitted to EPA for review and approval prior to distribution.

2) Announce the availability of funds and associated time line for funding award through statewide advertising and by distributing the EPA-approved RFP for NPS funding. The mailing list of RFP recipients will be developed jointly between the Department and EPA.

3) Organizations interested in responding to the RFP will be encouraged to submit a proposal(s) that has been prepared consistent with a recommended work plan format utilized by the Department in the past.

4) Following receipt of project proposals, the Department will notify respondents regarding the opportunity to orally present project details. Oral presentations by project proponents will be made to the Department and EPA.

5) The Department will evaluate proposed NPS projects against screening criteria developed by the Department and EPA.

6) With concurrence by EPA, the Department will select and award funding to those likely-to-succeed NPS implementation projects.

7) For each NPS implementation project selected for funding, the Department will prepare and administer a performance-based grant agreement. Each agreement will refer to the work plan and its associated tasks/activities/outputs and require the submission of a final project reports at the conclusion of the project. Final payment of NPS grant funds will occur following the certification of the required non-federal match amount. DEC will submit copies of final work plans once they are approved. In addition, as part of the end-of-year PPA/PPG report, the DEC will submit copies of all final project reports from external grant recipients.

Similar to the level established under the FFY 97 PPA, the goal of the Department for the FFY 98 PPA is to award at least 30% of the target 319 allocation to other agencies or organizations outside of the Department. The amount of NPS pass through funds actually awarded will be compared to this goal following the evaluation and selection of project proposals.

B. Water Quality Management/Section 104(b)(3).

For the purposes of awarding funds from Section 104(b)(3) (surface waters and wetlands) the Department will utilize the process used by the State and EPA in previous funding years. The process for awarding 104(b)(3) funds within the Department and to other agencies, as described in Performance Partnership Project Descriptions shall be as follows:

- announce availability of funds and associated timeliness within the Department and to traditional grant recipients. This could be done through statewide advertising as well as sending information to a list of potential interested parties developed jointly with EPA. The announcements shall indicate the areas that the Department and EPA have selected as target areas for use of these funds.
- request submittal of conceptual project details
- review project with EPA for their comments
- prepare a recommended list of projects on the basis of Performance Partnership and other priorities for Commissioner and EPA to review
- select final projects
- obtain detail workplans
- negotiate final workplans
- authorize initiation of projects by Dec 1, 1997
- administer projects on the basis of timeline, outputs and indicators, including the submission of final project work plans to EPA
- reports on programs on May 1, 1998 and October 1, 1998 and shall be incorporated in mid-year report
- As part of the end-of-year PPA/PPG report, DEC will submit copies of all final project reports to EPA from external grant recipients.

PART VI - UIC PROGRAM MOVE

The Department has recently transferred the UIC program to the Wastewater Management Division to consolidate permits under 10VSA Chapter 47 in one division. This should eventually improve coordination and consistency. Stormwater 0UICs will be administered by the stormwater section in NPDES and the remaining UICs will be administered by the Regional Office personnel. There will be a period of time necessary for these people to learn the requirements of the program since the position currently running the program was not transferred. Permitting, reporting and compliance activities will be carried out at the levels currently being conducted by the Water Supply Division. Rule revisions to streamline the UIC process are expected to be drafted by the end of Federal FY 98 if time permits.

CHAPTER 5 - CHANGES IN OVERSIGHT, ROLES & RESPONSIBILITIES, PUBLIC PARTICIPATION, REPORTING

Two major areas of opportunities have been created by the development of this Performance Partnership Agreement and corresponding Performance Partnership Grant. The first is the use of environmental and public health indicators to measure our success in meeting established goals and objectives, and to create a more meaningful dialogue with the public about our priorities. The second lies in the opportunity to reduce the staff resources needed at both EPA and the state to manage and oversee our programs.

PART I - ENVIRONMENTAL INDICATORS

One of the most important changes which is reflected in this Performance Partnership Agreement, as well as in the Department's comprehensive planning process, is the use of environmental and public health indicators to measure performance and success in meeting established goals. This process significantly revises both the manner in which we evaluate the usefulness of our programs, as well as the way in which we plan for future actions.

In the Department's planning process we have established indicator for output goals for each of our projects or activities. This will allow us to measure our progress in improving the environment or public health, especially in our priority strategies and activities. We believe that use of these indicators will also allow us to communicate more effectively with the public. The use of indicators clearly linked to effects on public health or the environment will enable the public to understand what our projects and activities are expected to produce in these areas, and to provide us with feedback on the appropriateness of the goals and objectives, and consequently our projects and activities.

Developing meaningful, understandable, and measurable indicators for all of our activities has been challenging. To date, we feel we have been successful in establishing good indicators in some areas, but many areas need continued work. Discussions with Region I have led to some changes in our chosen indicators this year, and we anticipate that one important outcome of our Department Monitoring Strategy priority (Page 3-37) will be a careful consideration of improving our ability to measure many of the indicators which we may choose to use.

PART II - CHANGES IN OVERSIGHT, ROLES & RESPONSIBILITIES

A major benefit of the Performance Partnership concept lies in simplifying grant management issues through the issuance of a single federal grant covering what has been a number of separate grant areas, and in reducing the level and complexity of EPA oversight and state reporting requirements. These reductions are expected to free up staff resources at both the state and federal level. These resources can then be utilized to address some of the priority

strategies and activities identified in the agreement. The basis for this change comes from the concept of developing a mutually acceptable PPA which is based on a set of priority strategies and activities, for which performance can be measured by quantifiable environmental and public health indicators.

The process is intended to provide greater flexibility for EPA and a state to negotiate priority strategies and activities that meet the environmental and public health needs of that particular state, and allow the utilization of the federal grant funds for projects that address those strategies and activities.

The Department has established a set of projects and activities (contained in Appendix A of this agreement) which have been found acceptable to EPA, and which address the agreed upon priority strategies and activities, as well as any core or base level of requirements contained in the federal programs. Staff resources have been assigned to these projects and activities assuming that due to the reduced level of grant administration, direct federal oversight, and required reporting, the Department will have additional staff time for the identified projects and activities.

EPA staff resources made available as a result of reduced levels of effort required for grant administration and oversight will be used to help meet the established goals and objectives in some of the priority strategies and activities. The project and activity sheets in Appendix A contain areas of increased EPA assistance. Some specific areas where increased EPA assistance will be utilized include:

- A. EPA will conduct 3 Pre-Treatment Inspections.
- B. EPA will complete 5 Whole Effluent Toxicity Tests. (Note the timing may go into the fall of 1998 due to similar requests from other state.)
- C. EPA will facilitate the exchange of state monitoring strategies that will be submitted in the spring as part of the 305(b) reports.
- D. OEME (Lab) will provide 3 day training to Vermont and other New England States on 305(b) and 303(d) in December of 1997.
- E. OEME (Lab) will assist DEC with its Monitoring Strategy priority area by commenting on draft documents, participating in meetings, etc.
- F. EPA will provide field assistance on the REMAP air monitoring program.
- G. EPA will try to improve the current data in its system on point source discharges (wastewater treatment plants). We will look into doing some GPS work as resources permit.
- H. EPA will work with VT DEC to develop and conduct groundwater training for high school science teachers.
- I. EPA will conduct 2 to 3 groundwater protection area delineations (surficial) as resources and time permits.
- J. EPA will work with Headquarters and the DEC to prioritize getting SDWIS for Vermont.
- K. EPA will assist the DEC in marketing the CSGWPP internally and interagency in Vermont as well as coordinating the CSGWPP within EPA.

- L. EPA will identify available training opportunities for the Water Supply Division field staff on the subject of confined space entry.
- M. EPA will work with Headquarters to provide training to Vermont PWSs on the subject of financial capacity. We are not certain whether the training will be conducted in FY'98.
- N. EPA will work with Vermont to identify available training courses on emergency planning for water systems.
- O. EPA will share GIS expertise in the development/optimization of GIS applications for water supply.
- P. EPA will continue its work using GPS to locate, by watershed, all farms which received financial assistance or cost share from Dept. Of Agriculture.
- Q. EPA will provide training to the DEC staff on RCRIS.
- R. EPA will provide GIS support to the Wetlands Section to produce two Town Maps.
- S. EPA will notify the DEC of various training opportunities throughout the year.
- T. EPA will continue to provide support of the DEC's Lake Champlain phosphorus reduction strategy.
- U. EPA will provide monitoring support in the Connecticut River in conjunction with the Connecticut River Joint Commissions.
- V. EPA will provide inspection assistance and issuance of field citations to VT's UST post-1998 compliance work.

PART III - PUBLIC PARTICIPATION

In developing this year's PPA, the Department modified its public input process in an attempt to improve the public's opportunity for involvement with this process.

In May of 1997, the Department mailed a survey form to over 1400 groups and individuals, mostly in the State of Vermont. Questions on the survey forms asked the responders to rate the importance of a number of natural resource items, as well as rating the Department's performance in several areas. Four (4) follow up public meetings were held in various locations around the state to answer questions about the survey and allow for other comments.

The information received from the survey and public meetings was used to establish a tentative set of priority strategies and activities for both the SFY 99 Operational Plan and the FFY 98 PPA. This initial set of priority strategies and activities were sent to EPA Region I for review, and were also shared with a focus group made up of representatives of approximately forty stakeholder entities. This focus group met with Department and EPA representatives on August 12, 1997 to discuss the proposed priorities. Based on comments received from this group the Department modified the priorities and met with the focus group again on September 23, 1997. Final comments were solicited and used in the preparation of the final draft version of the FFY 98 PPA.

The Department feels that this process significantly improved the opportunity for public

input into both the Department's annual operating plan and the PPA. Many significant, thoughtful comments were received, and several major changes have been made in the PPA as a result. The Department intends to continue this process in the future, and intends to meet with the focus group in December of 1997 discuss the priorities for the SFY 99 operational plans and the FFY 99 PPA.

PART IV - REPORTING

Although the Performance Partnership Agreement/Performance Partnership Grant process is designed to reduce the necessary level of EPA oversight and state reporting through the use of mutually agreeable priorities and environmental indicators, evaluation of the Department's and EPA's success in meeting the established goals remains an absolute necessity. DEC already submits a significant amount of information to EPA under national and regional reporting requirements. In addition to that data, the Department will submit the information shown in Tables 5-1 and 5-2 in both the mid-year and end of year reports required by this Agreement. As part of the PPA and national reporting requirements, DEC will report on all core measures including indicators, outcomes, outputs, and associated reporting requirements except where VT and EPA have jointly agreed that the measure is not applicable and/or not appropriate. In general, we feel that this document will satisfy the core performance measures. If, however, EPA and/or the state identifies gaps, we will work together to provide the necessary information to EPA.

Table 5-1

Reporting required by this Performance Partnership Agreement - This reporting will be done at the mid-year and end of year period.

Priority Activity, Strategy, or Specific Area of Agreement	Indicator or Output to be Reported
I-1. Enhance the Public Community Water System Source Protection Program	A. Indicators of Success - The Department will measure its accomplishments in this area through an evaluation of the percent of population served by Public Community Water Systems that have adopted Department-approved Source Protection Plans. The Department estimates that 54% of this population (50% of systems) is currently served by such systems and believes that a goal of 65% by the end of federal FY 98 is achievable.
I-2. Finalize Revisions to the Comprehensive State Ground Water Protection Program (CSGWPP) and Finalize the Adoption of the Groundwater Rule and Strategy (GWR&S).	A. Indicators of Success - The measure of success here will be the adoption of a revised Groundwater Protection Rule and Strategy by the end of the first quarter FY 98 and submittal to EPA of a revised final draft CSGWPP document by the January 1998 of the 2nd quarter FY 98.
I-3. Finalize Development and Implementation of the Drinking Water State Revolving Fund.	A. Indicators of Success - For federal FY 98, the Department will measure its success in this area a) in terms of its ability to commit DWSRF loan funds to privately-owned and municipally-owned water systems and b) in terms of its ability to establish and begin utilizing identified DWSRF Set-Aside funds.
I-4. Enhance the Technical and Administrative Assistance for Public Community Water Systems.	A. Indicators of Success - The measure of success in this area will be a determination of the percentage of Public Community Water System (PCWS) population and percentage of PCWSs in significant compliance with drinking water standards. Significant compliance means public community water systems that have not experienced any of the following: a) Total Coliform Rule Monitoring or MCL violations; b) Nitrate Monitoring or MCL violations; c) Lead/Copper Rule failure to monitor violations for a calendar year monitoring period; d) THM Monitoring or MCL violations; and e) Surface Water Treatment Rule failure to filter (satisfy the treatment requirement) violations or failure to be granted an Avoidance of Filtration waiver, as applicable.
I-5. Enhance the Data Management Capability of DEC's Public Water System Program	A. Indicators of Success - We will use two indicators to measure our accomplishments in this area. The first will be completion of the process for the electronic transfer of chemical lab results from the Department of Health Laboratory. The second will be a decision on the long-term use of SDWIS

I-6. Develop and Implement additional FY 98 Requirements of the 1996 SDWA Amendments	A. Indicators of Success - We will use three indicators to measure our accomplishments in this area. The first will be our ability to automatically generate information on each water system for inclusion in the Consumer Confidence Reports. The second will be our ability to automatically generate timely information for the Annual Report on water systems. The third will be the identification of required changes to our Operator Certification program.
I-7. Control Airborne Toxins	A. Indicator(s) of Success Reduce emissions from gasoline marketing by 70% (baseline year of 1990). Develop emission standards for appropriate MACT sources. Develop 111(d) Plan for Medical Waste Facilities.
I-8. Revise Air Quality Standards for Soot and Smog	A. Indicator(s) of Success - Develop equivalent state standards for fine particulate matter and ozone. Develop monitoring plan for fine particulate matter. Revise monitoring plan for ozone.
I-9. Analyses of Regional Transport.	A. Indicator(s) of Success - Successful section 126 petition Minimum 85% control for nitrogen oxides from power plants upwind of Vermont
I-10. Motor Vehicle Air Pollution Control	A. Indicator(s) of Success - Conduct on-road emissions testing of Heavy Duty Vehicles to collect data to better characterize HDV emissions. Implement Phase II of the motor vehicle inspection program.
I-11. Outdoor Wood Furnaces	A. Indicator(s) of Success - Adoption of a rule which establishes minimum site criteria for location of a unit. Reduced number of complaints regarding emissions from units.
I-12. Stationary Diesel Engines	A. Indicator(s) of Success - Adoption of emission standards which minimize air contaminant releases, prevent significant deterioration of air quality and maintain compliance with air quality standards through a permitting process.
I-13. RCRA Inspections, Compliance & Enforcement	Indicators of Success: There are several measures of success related to this priority area. Completing inspections within a town as part of a larger compliance effort will be a primary indicator of success. Further, completing the following numbers of inspections (see attached inspection worksheets) will be an indicator: 4 TSDFs; 15 LQGs; 25 SQGs, with half being PEIs; and approximately 45 "other" inspections (CEGs, complaints, transporters, MM screening, etc).

	Further indicators of success include: identification of Significant Non-Compliers (SNCs) in RCRIS; continuing to perform multi-media screening inspections; continuing to perform multi-media team inspections; and further work towards a revised compliance and enforcement response policy.
I-14. Corrective Action.	Indicators of Success: Issuance of the GE-Rutland permit (as a modification to the existing post-closure permit) by the second quarter; completion of IBM, Safety-Kleen and UVM indicator assessments; RCRIS reporting - timely and accurate; and appropriate responses to new sites.
I-15. Encouraging and enforcing compliance with the 1998 deadline	Indicator(s) of success - One measure of accomplishment in this area will be a relatively small number of facilities that do not meet the deadline.
II-1. Lake Champlain Basin Management a. Phosphorus Management Strategy	<p><u>Indicator(s) of Success:</u></p> <ul style="list-style-type: none"> ◆ Annual total metric tons of P discharged to Lake Champlain from VT WWTFs (by calendar year). ◆ % of designated facilities attaining 0.8 mg/l effluent P limit. ◆ Mean total phosphorus concentration in each Lake Champlain segment, compared with in-lake criteria (5-year reporting intervals). ◆ Lake Champlain tributary phosphorus loads (total and nonpoint), in comparison with target loads (5-year reporting intervals).
II-1. Lake Champlain Basin Management b. Wetland protection and education	<p>Indicator(s) of Success:</p> <ul style="list-style-type: none"> ◆ Commitment by community or land owner to reclassify important Class 3 wetlands for Class 2 protection. ◆ Continued experimentation and initial control of small purple loosestrife populations. ◆ Successful and smooth operation of project screening process under General Permit 42. ◆ Issuance of town wetland maps to all Vermont communities. ◆ Significant progress on an improved beaver management policy. ◆ Completion of booklet containing explanation of the state's major wetland types, their functions and values.
II-1. Lake Champlain Basin Management c. Educational activities related to aquatic nuisances	<p>Indicator(s) of Success:</p> <ul style="list-style-type: none"> ◆ Spread prevention signs at public access areas on all lakes. ◆ All existing literature is up-to-date and available. ◆ PSAs on Eurasian watermilfoil and zebra mussels distributed basinwide. ◆ Expanded Water Chestnut Watchers Program.

	<ul style="list-style-type: none"> ◆ Non-indigenous aquatic nuisance management plan for the Lake Champlain basin completed and submitted.
II-1. Lake Champlain Basin Management d. Toxics management	<p>Indicator(s) of Success:</p> <ul style="list-style-type: none"> ◆ Fish contaminant monitoring conducted consistent with appropriate QA/QC plan. ◆ Continued funding for 319h urban watershed management coordinator position. ◆ Participation in LCBP toxic management forums.
II-1. Lake Champlain Basin Management e. Monitoring	<p>Indicator(s) of Success:</p> <ul style="list-style-type: none"> ◆ Completed draft report for the 1998 Lake Champlain Water Quality Monitoring Program. ◆ Written summer updates of the results of the 1998 Lake Champlain Zebra Mussel Monitoring Program. ◆ At least 20 Lake Champlain stations successfully monitored by citizen monitors through the Vermont Lay Monitoring Program. ◆ Number of river miles and lake acres assessed with monitoring data (statewide, not basin-specific).
II-1. Lake Champlain Basin Management f. Shoreland, streambank, and riparian zone protection and restoration	<p>Indicator(s) of Success:</p> <ul style="list-style-type: none"> ◆ Number of workshops and non-regulatory on-site technical assistance visits conducted in the Lake Champlain basin
II-1. Lake Champlain Basin Management g. Flow modification and water withdrawals	<p>Indicator(s) of Success:</p> <ul style="list-style-type: none"> ◆ Development of Agency positions and/or issuance of water quality certifications for the five projects.
II-1. Lake Champlain Basin Management h. Water chestnut control activities	<p>Indicator(s) of Success:</p> <ul style="list-style-type: none"> ◆ Northernmost extent of water chestnut in Lake Champlain (this is currently McNeil Cove in Charlotte). ◆ Completion of a minimum \$150,000 water chestnut control program in Lake Champlain in 1998.
II-1. Lake Champlain Basin Management i. Ecosystem impacts of zebra mussels	<p>Indicator(s) of Success:</p> <ul style="list-style-type: none"> ◆ Monitoring of selected shale/cobble and native mussel sites on Lake Champlain. ◆ Surveys of native mussels at selected sites on Lake Champlain. ◆ Continued development of native mussel conservation/preservation strategies.

II-2. Lake Memphremagog Basin Management a. Phosphorus Management Strategy	Indicator(s) of Success: ◆ Quality control analyses completed to assist Quebec's long-term water quality sampling effort on Lake Memphremagog
II-2. Lake Memphremagog Basin Management b. Educational activities related to aquatic nuisances	Indicator(s) of Success: ◆ Spread prevention signs at public access areas on all lakes. ◆ All existing literature is up-to-date and available. ◆ PSAs on Eurasian watermilfoil and zebra mussels distributed basinwide.
II-2. Lake Memphremagog Basin Management c. Toxics management	Indicator(s) of Success: ◆ Fish contaminant monitoring conducted consistent with appropriate QA/QC plan.
II-2. Lake Memphremagog Basin Management d. Monitoring	Indicator(s) of Success: ◆ Lake Memphremagog and up to ten lakes within the watershed monitored by citizens through the Lay Monitoring Program. ◆ Lakes in the basin monitored for spring phosphorus concentrations. ◆ Aquatic plant surveys and/or Eurasian watermilfoil searches conducted on lakes in the watershed. ◆ Biomonitoring sites established on selected wadeable streams within the basin. ◆ Number of river miles and lake acres assessed with monitoring data (statewide, not basin-specific).
II-2. Lake Memphremagog Basin Management e. Shoreland, streambank, and riparian zone protection and restoration	Indicator(s) of Success: ◆ Number of workshops and non-regulatory on-site technical assistance visits conducted in the Lake Memphremagog watershed.
II-2. Lake Memphremagog Basin Management f. Flow modification and water withdrawals	Indicator(s) of Success: ◆ Conservation easements or public ownership of lands that will no longer be used as part of the hydroelectric project. ◆ Issuance of a final water quality certification for future operation of the project, consistent with Vermont Water Quality Standards
II-3. Connecticut River Basin Management a. Implementation of Connecticut River Corridor	Indicator(s) of Success: ◆ The Connecticut River Joint Commission will select specific recommendations for focus.

Management Plan	Progress in the first year following plan adoption is seen as critical. Once the priorities for 1999 are selected, the Department will aid the process. A precise indicator can not be selected until the Commission acts.
II-3. Connecticut River Basin Management b. Educational activities related to aquatic nuisances	Indicator(s) of Success: <ul style="list-style-type: none"> ◆ Spread prevention signs at public access areas on all lakes. ◆ All existing literature is up-to-date and available. ◆ PSAs on Eurasian watermilfoil and zebra mussels distributed basinwide. ◆ Progress on the development of the Silvio Conte Wildlife Refuge's Connecticut River watershed Invasive Plant Control Initiative.
II-3. Connecticut River Basin Management c. Toxics management	Indicator(s) of Success: <ul style="list-style-type: none"> ◆ Fish contaminant monitoring conducted consistent with appropriate QA/QC plan.
II-3. Connecticut River Basin Management d. Shoreland, streambank, and riparian zone protection and restoration	Indicator(s) of Success: <ul style="list-style-type: none"> ◆ Number of workshops and non-regulatory on-site technical assistance visits conducted in the Connecticut River watershed.
II-3. Connecticut River Basin Management e. Flow modification and water withdrawals	Indicator(s) of Success: <ul style="list-style-type: none"> ◆ Completion of studies with results that can be used in Vermont's and New Hampshire's cooperative water quality certification initiative
II-4. Focus Wetlands Management Program on Informing Citizens	Indicator(s) of Success: <ul style="list-style-type: none"> ◆ Successful and smooth operation of project screening process under General Permit 42. ◆ Issuance of town wetland maps to all Vermont communities. ◆ Field training workshops completed for AOT. ◆ Distribution of materials on purple loosestrife and modification of CUD conditions to more fully describing appropriate methods for loosestrife removal and disposal.
II-5. Completion of Sensitive Watershed Hydrology and Water Quality Study	Indicator(s) of Success: <ul style="list-style-type: none"> ◆ Evaluation of findings of FEMA DSR review (from 8/95 event). ◆ Annotated bibliography and a description (in lay terms) containing concepts of watershed hydrology and natural stream dynamics. ◆ Selection of contractor and initiation of Phase Two, a technical analysis intended to identify thresholds of watershed change that result in unacceptable surface water resource consequences.

<p>II-6. Completion of “Wetland, Woodland, Wildland: The Natural Communities of Vermont”</p>	<p>Indicator(s) of Success:</p> <ul style="list-style-type: none"> ◆ Completion and publication of the document and beginning of distribution to interested public. ◆ Beginning of use of the findings in the issuance or denial of CUDs and enforcement decisions.
<p>II-7. Water Quality Standards</p>	<p>Indicator(s) of Success:</p> <ul style="list-style-type: none"> ◆ Recommendations for revisions to the Water Quality Standards submitted to the Water Resources Board, with Board initiation of the revision process to follow.
<p>II-8. Continuation of Municipal Self-Assessment Program</p>	<p>Indicator(s) of Success - To measure our accomplishment in this area we will determine the percentage of the self-reporting facilities audited by us which receive an acceptable rating for the quality of their self-assessment. We expect that 90% of the audited facilities will receive an acceptable rating.</p>
<p>II-9. Establishment of Revised Total Maximum Daily Load Listing Procedure</p>	<p>Indicator(s) of Success:</p> <ul style="list-style-type: none"> ◆ Completed 303d list followed up by preparation of TMDLs and remediation plans as appropriate.
<p>II-10. Agricultural Water Quality Program</p>	<p>Indicator(s) of Success - The following program activities will be tracked to document the Department’s continued success in implementing the Agriculture Water Quality Program.</p> <p>I. The number of non-point source investigations conducted and enforcement actions taken to support compliance with the Accepted Agriculture Practices Regulations;</p> <p>II. The number of financial assistance applications received and the number of BMP cost sharing contracts awarded;</p> <p>III. The number of BMP practices or structures installed and the pounds of phosphorus loading reduced;</p> <p>IV. The creation of databases for water quality sampling, farm locations, number of animal units per farm, types of manure management practices in place and nutrient loading rates for priority watersheds, and;</p> <p>V. The establishment of technical assistance and training programs for agriculture land owners through the Natural Resources Conservation Districts.</p>

<p>II-11. Department Monitoring Strategy</p>	<p>Indicator(s) of Success:</p> <ul style="list-style-type: none"> ◆ Completed review and characterization of Department monitoring programs in FFY98. ◆ Completed Department Monitoring Strategy in FFY99.
<p>III-1. Marketing of the Small Business Compliance Assistance Program (SBCAP) and the Self-Evaluation Policy</p>	<p>A. Indicator(s) of Success--SBCAP Marketing</p> <ul style="list-style-type: none"> I. The development of a SBCAP Marketing Plan II. An increase in the number of on-site compliance reviews conducted. We expect to conduct at least 6 on-site reviews in federal FY 98. III. An increase in the number of violations corrected voluntarily through the on-site compliance review. We expect the number of such violations to exceed 10 during federal FY 98. IV. An increase in the total contacts on the phone for compliance assistance. V. Where it is possible to have such documentation, we will track the number and type of violation which is corrected as a result of the compliance assistance which is provided via the phone. <p>B. Indicator(s) of Success - Self-Evaluation Marketing</p> <ul style="list-style-type: none"> I. The development of a Self-Evaluation Marketing Plan II. An increase in the number of contacts made by the regulated public to determine the applicability of the policy to their self-discovered violations. We expect the number of such contacts to exceed 5 in FY 98.
<p>III-2. Environmental Management Systems - Vermont Business Environmental Partnership</p>	<p>Indicator(s) of Success</p> <ul style="list-style-type: none"> I. First Year: All program materials will be developed and finalized (promotional brochures, application forms). The program will be specifically targeted during year one to the lodging industry (hotels, resorts, and inns). Printers and vehicle service facilities will also be targeted. A total of at least 10 businesses will be enlisted in the program as <i>Environmental Partners</i>. II. Year Two: A total of 25 businesses will be enlisted as <i>Environmental Partners</i> and 5 of these

	facilities will be enlisted as <i>Model Facilities</i> . Amount of pollution prevented from businesses implementing EMS and enlisted in the <i>Partnership</i> .
III-3. Environmental Assistance Coordination.	<p>Indicator(s) of Success</p> <p>I. Year 1: Steps 1-3 above completed.</p> <p>II. Year 2: Number of coordinated business assistance projects completed by the partnering organizations. A target of three during year 2.</p> <p>III. Year 3: Number of coordinated business assistance projects completed by the partnering organizations. A target of five during year 3.</p>
III-4. Development of a DEC compliance policy	<p>Indicator(s) of Success - DEC compliance policy</p> <p>I. A final DEC compliance policy.</p> <p>II. Adoption of the DEC compliance policy.</p> <p>III. Staff training on the policy and policy implementation.</p> <p>IV. A more consistent approach taken across the DEC on compliance efforts. This will be indicated by a comparison of enforcement referral packages produced prior to the policy's adoption versus a number of the packages issued after the policy is adopted. The successfulness of the policy will be indicated if the latter packages show a greater degree of similarity both in the level of violation seriousness and the level of effort put in by the program to gain compliance than those packages prior to the policy.</p>
III-5. Develop and Implement a DEC I & E Plan	<p>Indicator(s) of Success</p> <p>I. Adoption and Implementation of a department wide I & E plan</p> <p>II. Survey of persons receiving I & E indicates they believe they are more knowledgeable in natural resources issues or requirements.</p>
III-6. Maintain Base Air Pollution Control Program.	Indicator(s) of Success - Maintenance of level of effort in state-wide air pollution control.

III-7. Track Electric Utility Restructuring.	Indicator(s) of Success - Incorporation of comprehensive air pollution control requirements in state legislation creating 'open access' for electric energy marketing.
III-8. RCRA Program Development, Authorization, and Rulemaking	Indicators of Success: Completed final Hazardous Waste Management Regulations, completed checklists, and a completed program description will be the primary measures of success. Further, progress towards a final authorization application can be measured by the status of the following documents: AG's Statement; Compliance and Enforcement Strategy; Department of Health/ANR MOU; Department of Agriculture, Food & Markets/ANR MOU; and the four-way MOA (ANR, EPA, Health, and Agriculture). Further work towards a revised Hazardous Waste Management Plan is an additional measure of success for program development.
III-9. GIS and Information Management	Indicators of Success: The percentage complete (or total number of RCRA points) of the RCRA data layer. Timeliness and accuracy of RCRIS reporting. The number of GIS maps distributed as outreach or educational tools (an educated citizenry is one of the primary ANR goals), or used by another program to support environmental results
III-10. Permitting.	Indicators of Success: Indicators of success include: cooperative work with EPA on permitting issues; timely and appropriate permit modifications; identification of multi-media issues in both RCRA permits and other permits; and a timely response to any new applications received
III-11. UST Program Development	Indicator(s) of Success - The primary measure of accomplishment in this area will be having new regulations in place by September 30, 1998.
III-12. Data Management/GIS	Indicator(s) of Success - One measure of accomplishment in this area will be having GIS data for a certain percentage (75%) of all UST facilities in Vermont in the UST database by September 30, 1998. Another measure will be to resume implementation of the electronic tracking devices that were used so successfully in the past.
III-13. PCF Sunset Date/Developing Alternative Funding Sources for the UST Program	Indicator(s) of Success - One measure of accomplishment in this area will be the successful implementation of either an extension of the PCF sunset date, or an alternative mechanism for financial responsibility, by the adjournment date (typically some time in May or June) for the 1998 legislative session.
Compliance Activities	Air Pollution Control Compliance Inspections Hazardous Waste Management Compliance Underground Storage Tank Inspections Waste Management Division Spill Response Wetlands Management Complaint Investigation and Enforcement

	Water Supply Sanitary Surveys UIC Follow-up Inspections Wastewater Treatment Inspection Reports Wastewater Treatment Laboratory Inspection Reports
Enforcement Activities	Submit a copy of the annual enforcement activity report prepared for the Vermont Legislature

Table 5-2 Indicators to be reported under the National Core Performance Measures Requirement

National Core Performance Measure	Indicator to be reported
State Enforcement & Compliance Assurance	Indicators are covered in the compliance and enforcement activities of Table 5-1
Compliance Assistance	During the term of this agreement the state will develop indicators to address this Performance Measure. These indicators will be used in the FFY 99 PPA.
Safe Waste Management	Fewer releases at facilities inspected within the last 3 years (058) Fewer releases at facilities inspected within the last 3 years (059) Impacts to public ws (061) Hazardous waste reduction statewide from 1992 baseline (45%) (028) Number of spills complaints (062)
Better waste management and restoration of abandoned waste sites	Full compliance with 1998 requirements (059) More permittees utilizing the loan program (059) Sites - eval & control (061)
Clean Air - NAAQS	Reporting (012)*

	<p>Operating Permits (011)*</p> <p>Criteria pollutant concentrations (014)*</p> <p>I/M (015)*</p> <p>Emission Standards (016)*</p>
Clean Air - Air Toxics	<p>Toxic pollutant concentrations (014)*</p> <p>Number of pounds of Toxic and Ozone forming emissions from gasoline marketing (012)*</p>
Clean Waters - Watershed restoration and protection	<p>305(b) Water Quality Assessment data (071)*</p> <p>% of assessed river miles that meet designated use of aquatic life support (305b) (074)*</p> <p>% of assessed lake acres that meet designated use of aquatic life support (305b) (074)*</p> <p>Net number of known wetland acres saved (069)**</p>
Clean Waters - Point source pollution	<p>305(b) Water Quality Assessment data (071)*</p> <p>% facilities in signif compliance (116)*</p>
Clean Water - Safe Drinking Water	<p>Percent of PCWSs in Signif Compliance with Drinking Water Stds. (088)*</p> <p>The design, construction, and funding of Municipal Pollution Control Facility Construction Projects properly reviewed and managed. (042)</p> <p>The design, construction, and funding of Municipal Water Facility Construction Projects Properly Reviewed and Managed. (043)</p> <p>305(b) Water Quality Assessment data (071)*</p>
Safe Drinking Water	<p>Percent of PCWSs in Signif Compliance with Drinking Water Stds. (088)*</p>

	305(b) Water Quality Assessment data (071)* PCWS Pop. (%) served by Approved SPPs. (086)**
Toxic Free Communities and workplaces	Toxics use reduction by larger users of toxics (%) (028) Hazardous waste reduction statewide from 1992 baseline (45%) (028) Pollution prevention plans reviewed (028) Businesses receiving on-site waste prevention assistance (028)

* - Indicates information reported under the National Database Reporting Requirements. This information will not be reported separately in the FFY 98 PPA reports. The PPA reports will cross-reference the national reporting requirements and list the date that reporting was submitted to EPA or updated in the national database.

** - Indicates information reported in Table 5-1. This information will be included in the FFY 98 PPA reports.

At least monthly contact will be made between the EPA's Vermont State Program Unit Manager and the Department's Deputy Commissioner to discuss any areas that have been raised by their respective staff, or issues that have arisen which could affect the agreement. Staff level workgroups will be formed as needed covering areas of EPA assistance to the state on defined issues. Normal reporting of data required to support national databases such as PCS and SDWIS will continue under this agreement, as will normally required program reporting such as 305(b) and enforcement related actions. The Vermont list of high priority, targeted-impaired waters will be submitted as required by Section 303(d).

The Department will prepare a brief summary report on April 1, 1998. This report will discuss progress which has been made towards meeting the goals and objectives established in each of the priority strategies and activities listed in Chapter 3 of the agreement. The summary will discuss the likelihood of achieving all of these goals and objectives by the end of the agreement period, and will identify proposed changes in projects or activities where necessary. The indicators established in Chapter 3 of this agreement will be used as the basis of this summary. The report will discuss progress toward meeting goals and objectives in other projects listed in Appendix A, which are not included in the priority areas in Chapter 3, although each of these projects will not be discussed in detail. The report will briefly summarize the status of federal grant expenditures as of the time of the report, on a total grant basis only. The report will also tentatively identify areas of environmental or public health needs which should be considered for priority status in the FY 99 PPA. This report will serve as a self assessment of our programs, describing the Department's successes through an evaluation of the environmental indicators, indicating areas where our projects have not produced the desired results, and discussing what steps should be taken to correct this, as well as developing an initial list of areas to be considered for prioritization in FY 99.

EPA will prepare a brief summary report in this same time frame evaluating the success of its activities under the agreement.

Appropriate EPA and Department staff will meet in early April to review the summary reports, prior to public review. The summary reports will be used to initiate a public input process as the first step in developing the FY 99 PPA.

The Department and EPA will update these summary reports by October 15, 1998 as a final end-of-year report.

PART V - 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 Program Unit Manager and the Department's Director of the Office of Water.
3. The Vermont State Program Unit Manager and DEC Office of Water Director 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.

The Vermont Department of Environmental Conservation and Region I, USEPA, are pleased to enter into this FY 98 Environmental Performance Partnership Agreement. This agreement continues our efforts to establish more effective working relationships between Vermont DEC and Region I. This agreement is a result of better involvement with the public in our environmental and public health decision making process. It establishes greatly improved processes to define our mutual environmental and public health goals and objectives, and provides understandable and meaningful indicators to allow us to fully measure our progress towards meeting those goals and objectives.

Utilization of the above information will allow us to work better as a team, better integrate public needs and desires into our planning and regular activities, and be more fully accountable for our actions. By living up to the expectations contained in this agreement we believe that both DEC and Region I, USEPA will be able to provide the environmental and public health protections desired by the people of the State of Vermont in a cost effective manner, and significantly contribute to their quality of life.

Entered into on this _____ day of January, 1998.

For the Vermont Department of
Environmental Conservation:

For Region I, USEPA:

Canute Dalmasse
Commissioner

John DeVillars
Regional Administrator