

US EPA ARCHIVE DOCUMENT



NATIONAL WATER PROGRAM MID-YEAR REPORT

FISCAL YEAR 2010



Office of Water
Environmental Protection Agency
August 2010

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Introduction

In May 2009, the National Water Program published the *National Water Program Guidance* describing how EPA, States, Tribes, and others would work together in FY 2011 to implement the water elements of the 2006-2011 *Strategic Plan*. This *FY 2010 Mid-Year Performance Report* describes the progress being made in 2010 towards the goals and objectives described in the *Guidance* and the *EPA Strategic Plan*. The *FY 2010 Guidance* is available on the internet at http://water.epa.gov/aboutow/goals_objectives/waterplan/fy10.cfm, as is this *Report*.

This *FY 2010 Mid-Year Performance Report* is based on materials and analysis developed by teams of Headquarters and EPA Regional staff addressing each of the fifteen sub-objectives within the 2006-2011 *EPA Strategic Plan* related to the National Water Program (see table I, below). The materials developed by these subobjective teams provide data concerning progress toward environmental and public health goals. Much of the work of the National Water Program is accomplished through grants and this *Report* serves as the Office of Water's primary summary of progress under the Environmental Results Grants Order.

This report includes the following key elements:

- An overview of FY 2010 mid-year performance of National Water Program performance measures,
- A report out on specific measures highlighted for discussion during the FY 2010 Mid-Year Oversight Group meeting, and
- A comprehensive appendix displaying the FY 2009 status, FY 2010 results and FY 2011 target for all FY 2010 National Water Program measures.

Program Contacts

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Internet Access: This FY 2010 Mid-Year Performance Report and supporting documents are available at http://water.epa.gov/aboutow/goals_objectives/waterplan/fy10.cfm.

Table I
National Water Program – Key Subobjectives

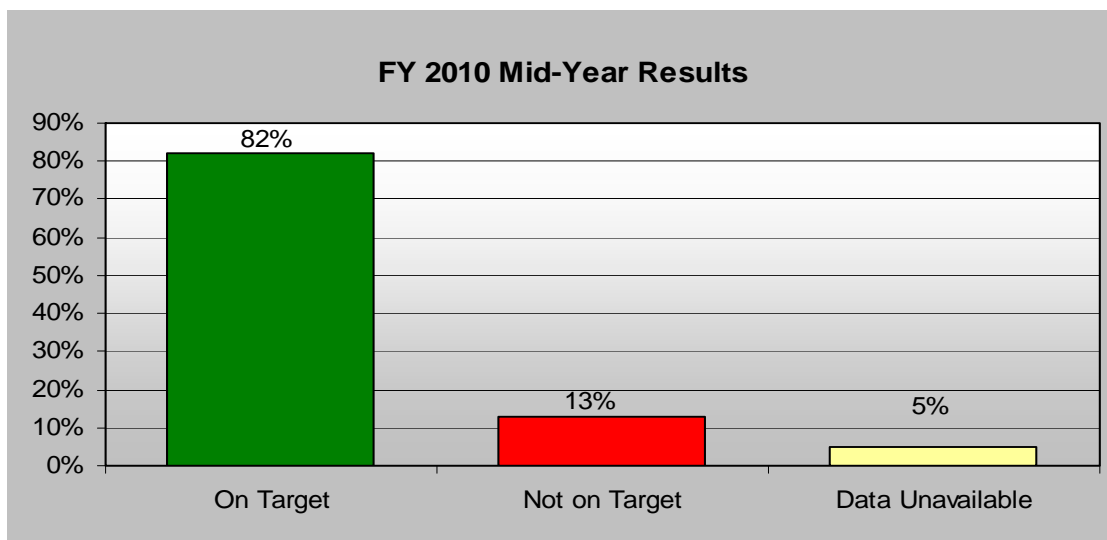
- 1) Water Safe to Drink
- 2) Fish and Shellfish Safe to Eat
- 3) Water Safe for Swimming
- 4) Restore and Improve Water Quality on a Watershed Basis
- 5) Protect Coastal and Ocean Waters/Estuaries
- 6) Protect Wetlands
- 7) Protect Mexico Border Water Quality
- 8) Protect the Pacific Island Waters
- 9) Protect and Restore the Great Lakes
- 10) Protect and Restore the Chesapeake Bay
- 11) Protect the Gulf of Mexico
- 12) Protect the Long Island Sound
- 13) Protect the South Florida Ecosystems
- 14) Protect the Puget Sound Basin
- 15) Protect the Columbia River Basin

Overview of FY 2010 MY Performance

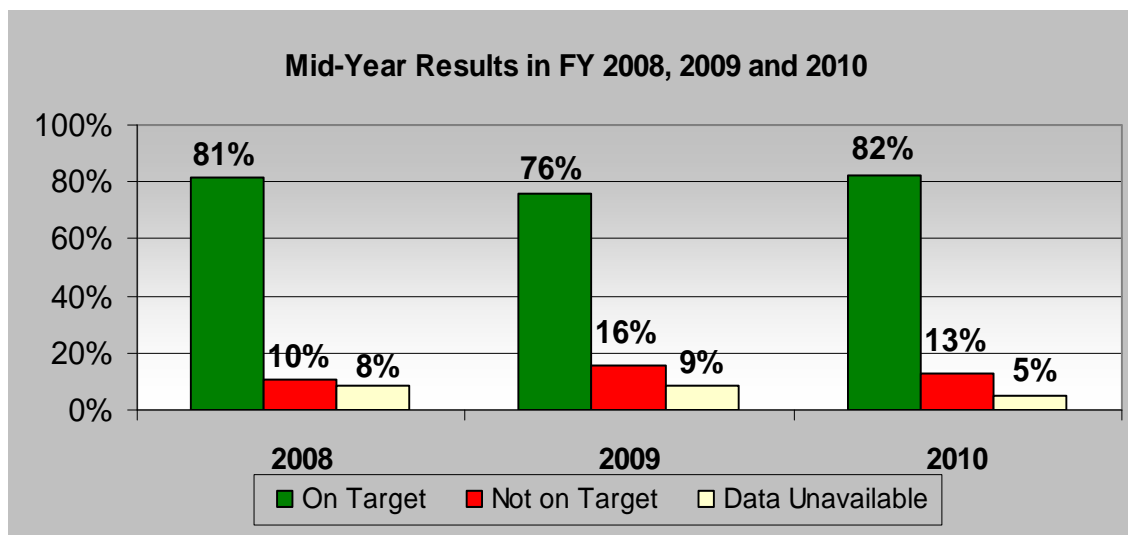
Of the 136 performance measures in FY 2010,

- 74 measures reported data (62 commitment measures and 12 indicator measures)
- 62 measures were exempt from FY 2010 mid-year reporting (i.e., measures that report data on an annual basis are exempt from reporting)

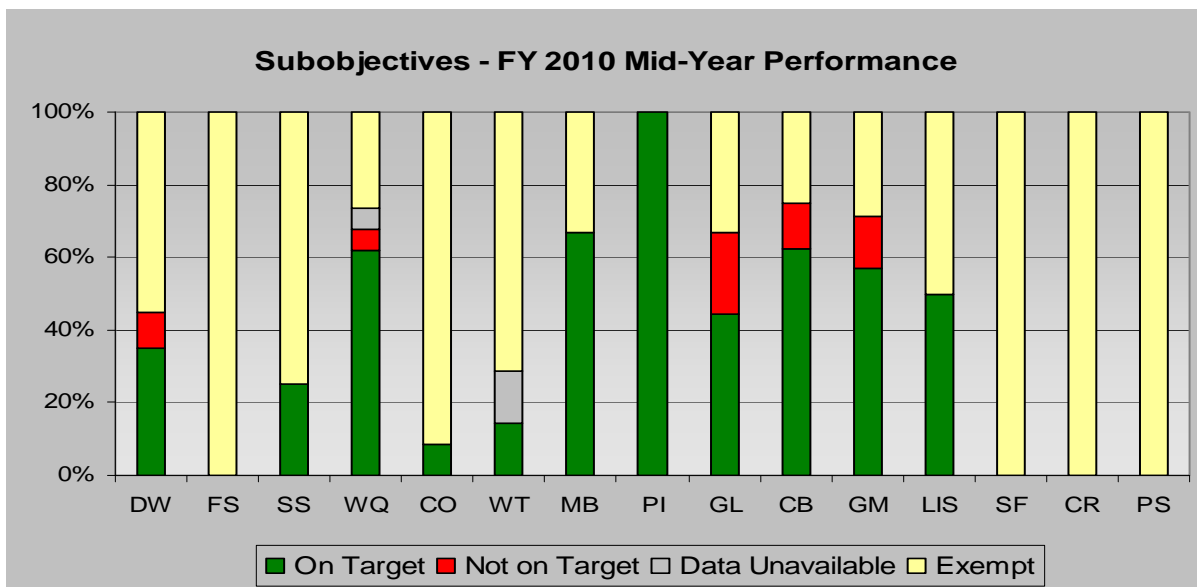
At mid-year in FY 2010, 82% (51) of 2010 performance measures were on target; 13% (8) measures were not on target; and 5% (3) measures had data unavailable. These numbers do not include the 12 indicator measures reported at mid-year.



Although the Office of Water can reasonably expect performance trends to change by the end of the year, historically speaking, FY 2010 mid-year performance indicates improved performance at the time of mid-year than in previous years.



Amongst the subobjectives, at mid-year FY 2010, the following subobjectives reported the highest percentage of measures on target: Water Quality, Pacific Islands and Chesapeake Bay. Drinking Water, Great Lakes and Gulf of Mexico were reporting the highest percentage of measures not on target at mid-year. However, Gulf of Mexico and Great Lakes were able to report at least 50% of their data. Not all subobjectives can be compared equally amongst each other as Fish and Shellfish, South Florida, Columbia River, Puget Sound and a majority of the Oceans and Coastal measures were exempt from FY 2010 mid-year reporting and did not provide mid-year data.



Summary

- The FY 2010 mid-year results indicate that most performance measures are on track to meet or exceed their FY 2010 commitments.
- Of those subobjectives that reported measures, all of them reported at least 50% of measures on track to meet their FY 2010 commitments at mid-year.
- Measures showed higher performance results at mid-year FY 2010 than in previous fiscal years, suggesting that programs are making improvements in their data collection and program implementation through the years.

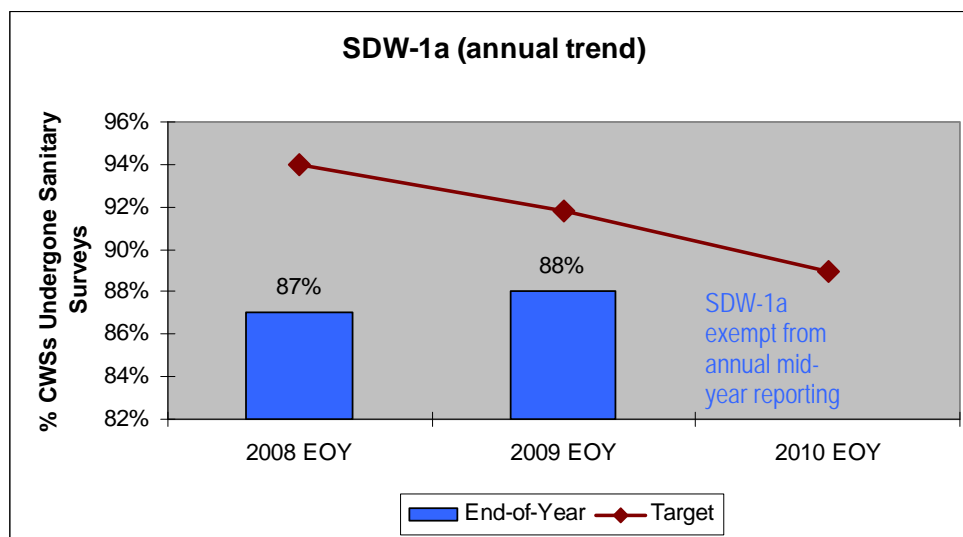
Measures Highlighted for Discussion

The following twelve measures were selected (out of a universe of 74 reported measures) for discussion at the Office of Water Oversight Council meeting on June 14, 2010. These measures were selected mostly where mid-year data was indicating under-performance, prompting concern about reaching the FY 2010 commitment at the end of the year. However, measures were also discussed where performance exceeded past year trends – what was being done right? And, ultimately, a discussion about the possible negative impacts on performance measures (specifically those that target the Gulf of Mexico) as a result of the disastrous BP oil spill. A full list of all FY 2010 performance measures and their mid-year results can be found in Appendix A.

For each selected measure (organized by subobjective), the specific findings highlighted at the Oversight Council meeting and the discussion which followed in response to each finding is depicted below.

Water Safe to Drink

SDW-1a: Percent of CWSs that have undergone a sanitary survey within three years of their last sanitary survey (five years for outstanding performers) as required under the Interim Enhanced and Long-Term 1 Surface Water Treatment Rules.



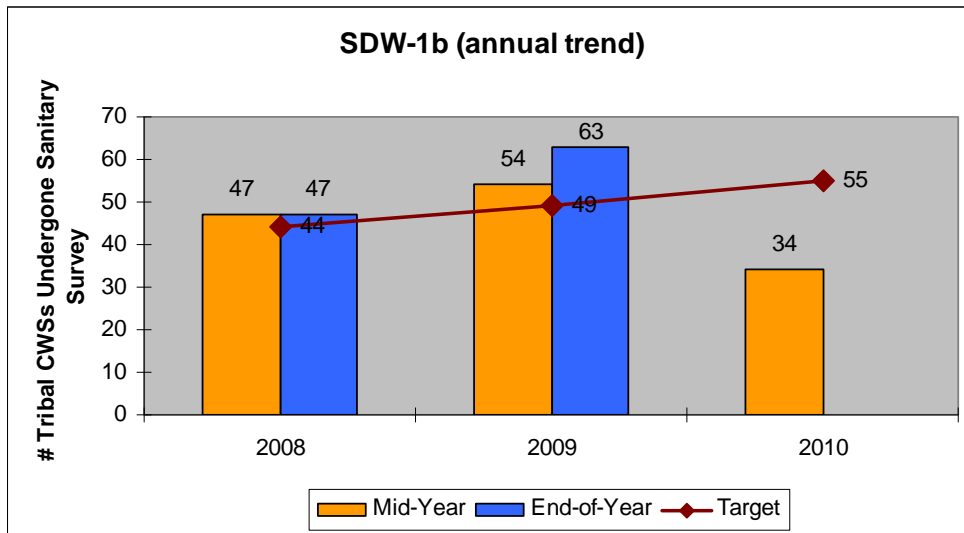
Oversight Council Concerns:

SDW-1a has consistently missed its commitment in past years. Though it was exempt from mid-year reporting, it appears that OGWDW will meet its commitment by EOY.

Response:

- Sanitary surveys are resource-intensive efforts because state staff or contractors must physically visit the system. State budget shortfalls and lack of resources (such as fuel and labor costs) have made it difficult for states to fill positions.
- Regions are working with states to more efficiently leverage their available resources, and encourage greater use of set asides.

SDW-1b: Number of tribal CWSs that have undergone a sanitary survey within the past three years (5 yrs for outstanding performers) as required under the interim enhanced and long-term one surface water treatment rules.



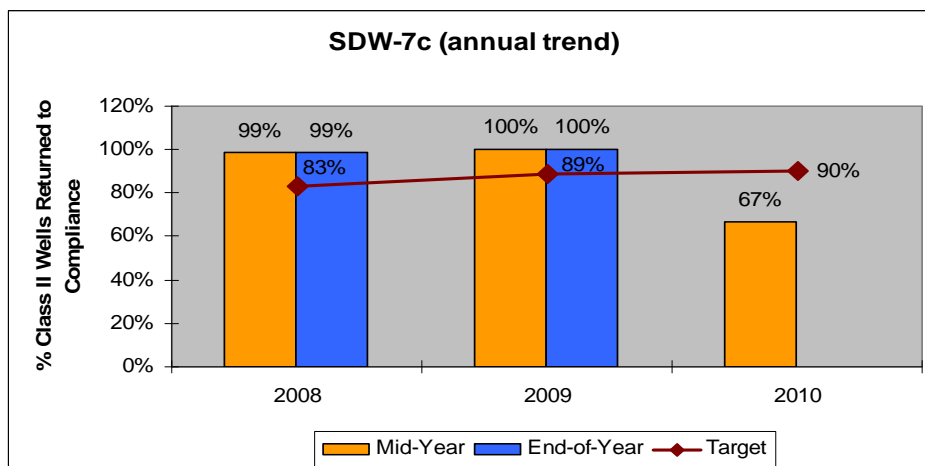
Oversight Council Concerns:

There is concern about this measure not being on track to meet its commitment at the end of the year.

Response:

- SDW-1b is on track to meet the 2010 commitment. The number of several tribes decreased causing a regional total to decline and giving the appearance of a low result at mid-year.
- The Office of Water is working to reflect these changes in the national SDWIS database.

SDW-7c: Percent of deep injection wells that are used for salt solution mining (Class III) that lose mechanical integrity and are returned to compliance within 180 days, thereby reducing the potential to endanger underground sources of drinking water.



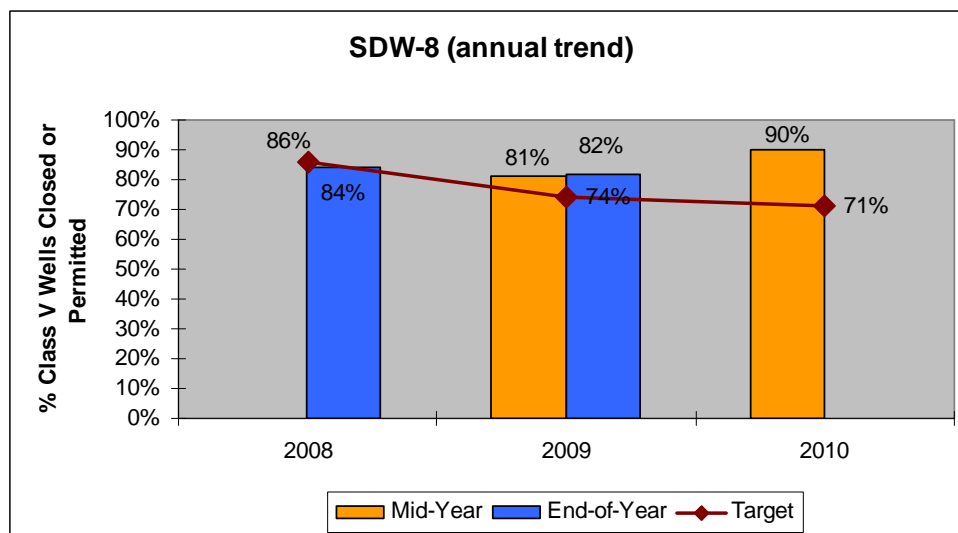
Oversight Council Concerns:

SDW-7c does not appear to be on target. Is there additional information that might indicate that the measure will meet its commitment at the end of the year?

Response:

- This measure will not meet the target of 93% for 2010. A more likely result (assuming the other regions remain at 100%) is six out of seven (86%) of wells returned to mechanical integrity.
- In order to achieve the national target, many Class III wells would need to lose mechanical integrity and regain it. It is very unlikely that the universe of wells losing mechanical integrity will increase much above last year.
- Low universe numbers are problematic for SDW-7a (Class I wells). Region UIC managers are proposing that for FY 2012 that SDW-7a, 7b and 7c be combined for the purpose of setting more achievable targets.

SDW-8: Percent of high priority Class V wells identified in sensitive ground water protection areas that are closed or permitted (Cumulative).



Oversight Council Concerns:

The FY10 MY result is unusually high, particularly considering that it already exceeds the 2011 target (and last year's MY result was 81%).

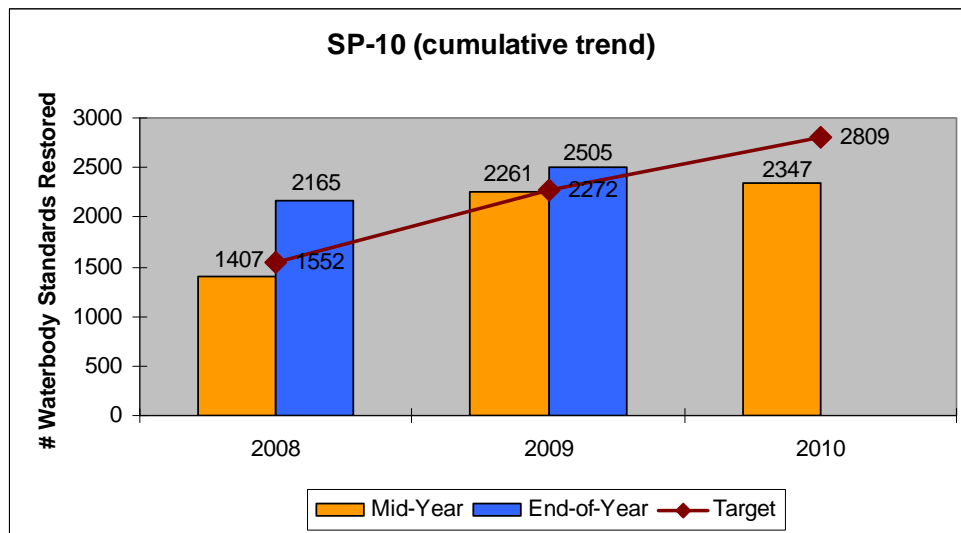
Response:

- The measure was a new measure as of FY 2009 and the Regions have been conservative in setting targets, particularly while definitions have not yet been consistently set. Under the measure, program directors can establish their own definition of “sensitive ground water areas” and “high priority wells.”
- At mid-year, most regional performance was consistent with FY 2009 end-of-year results with increased percentages in Region 9 and 10. In FY 2010, Maryland started reporting statewide which increased their baseline from 108 wells to 456 wells. Oregon changed its definition of “high priority well” resulting in a decrease of 2,800 wells identified. Region 10 accounts for nearly 20% of the national total.

- OGWDW is recommending that Regions increase their targets for FY 11 to be consistent with mid-year FY 2010 performance. The Regions are discussing proposing a change to this measure for FY 2012 that will result in more national consistency in the universe being measured.

Water Quality

SP-10: Number of waterbodies identified in 2002 as not attaining water quality standards where standards are now fully attained (cumulative).



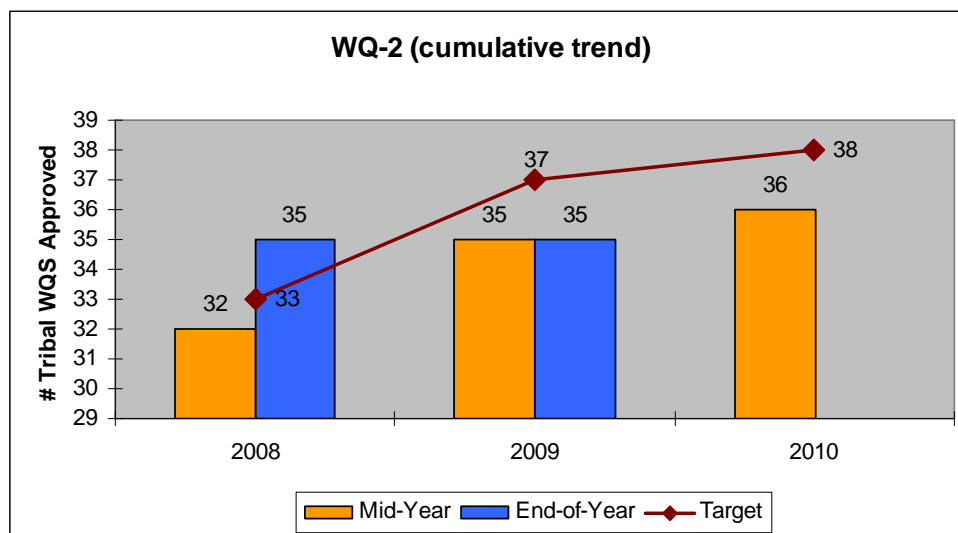
Oversight Council Concerns:

It is not clear if the mid-year result includes ARRA dollars. Furthermore, the mid-year result of 21% indicates that this measure is not on target.

Response:

- Most of the accomplishments will not be seen until the 4th quarter because of the timing of receipt and review of the Integrated Reports (IR)(4/2010) and the approval of the 303(d) portion.
- Mid-year results include ARRA funds as well as base funding. Improvements can be attributed to a combination of resources such as ARRA, S.319, S.106, etc. Additionally, waterbody restoration can take many years; therefore, the effects of ARRA contributions may not be known until years later.
- While the EPA was initially on target to meet the FY 2010 commitment for SP-10, recent developments as a result of the BP oil spill and the resulting delay in receiving IRs from states may prevent the commitment from being met.

WQ-2: Number of tribes that have water quality standards approved by EPA



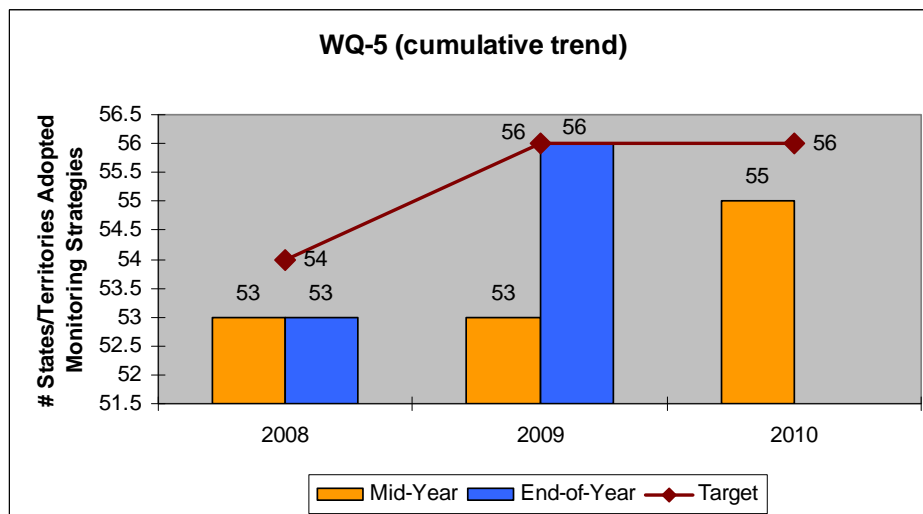
Oversight Council Concerns:

This measure does not appear to be on target for meeting its commitment at the end of the year.

Response:

- This measure is currently not on target, falling two tribes short of meeting the national commitment as of June 2010. EPA is hopeful that the measure will be met at the end of the year.
- Regions 5 and 8 each have one tribe which may count toward WQ-2 for FY10, depending on when the tribes are able to submit their final adopted standards to EPA for review. The Regions have been working closely with the tribes, and believe EPA review can be completed expeditiously once the standards are received.

WQ-5: Number of States & Territories that have adopted and are implementing their monitoring strategies in keeping with established schedules.



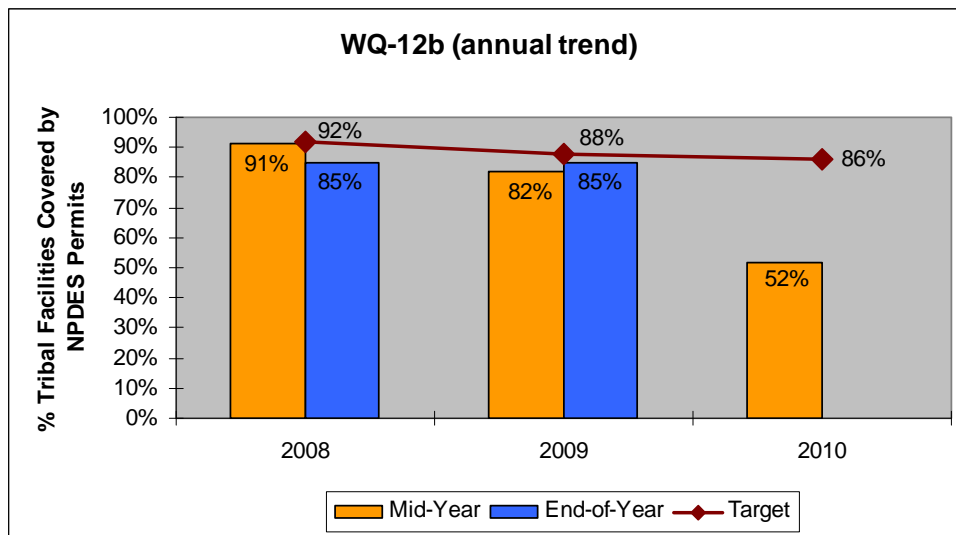
Oversight Council Concerns:

The FY 2011 target is the same as the FY 2010 commitment – it does not appear that the measure is expected to reach its commitment in FY 2010.

Response:

- The role of monitoring in water quality management is so fundamental to the Clean Water Act that the only eligibility requirement for Section 106 funding is that states have an adequate monitoring program.
- Two 2002 reports by ASIWPCA document that the funding resource gap between available resources and needs for monitoring is wide and that ambient water quality monitoring activities are usually the first to be cut when budgets are tight.
- At mid-year FY 2010, one of the territories (Puerto Rico) in Region 2 is having difficulty with implementing its monitoring strategy. The Region is working with the territory to assist it, but the territory may not be able reach this target by the end of the fiscal year.

WQ-12b: Percent of tribal facilities covered by NPDES permits that are considered current.



Oversight Council Concerns:

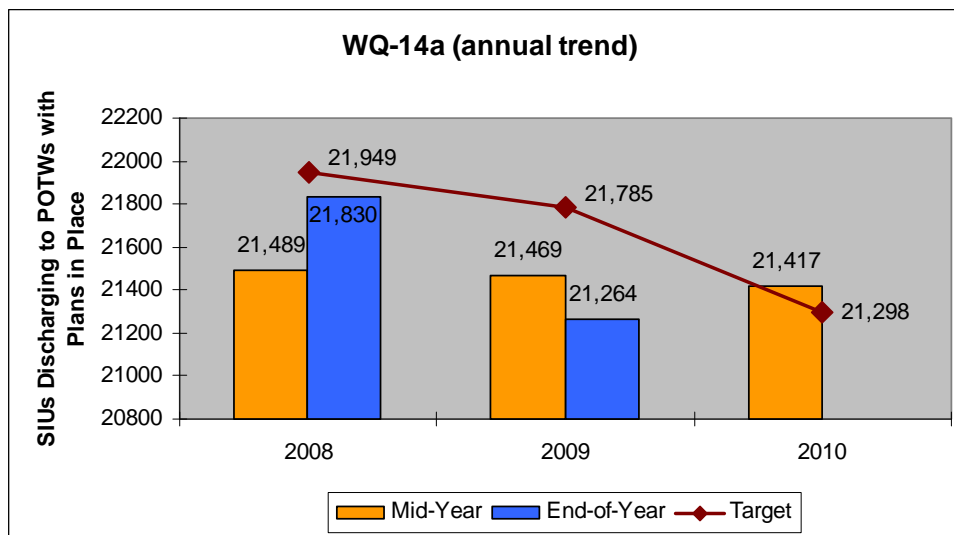
This measure has struggled to meet its commitment in the past and may follow suit in FY 2010.

Response:

- The FY10 national commitment is 86% and the FY10 mid-year status is 52%. The measure is expected to improve dramatically by end of year, but may slightly miss the commitment.
- Region 8 is currently at 23%, but by the end of this FY they should reach approximately 90% after they issue a general permit for sewerage systems on Tribal lands within several states and approximately 9 other individual permits. This improvement will increase the national percentage to approximately 85%.

- Region 10 will likely maintain their mid-year status and FY09 end of year status of 46%. They will miss their target of 64%. Although there will not be much progress before the end of this year, after the completion of their 3-year plan, they should reach 70%.

WQ-14a: Number and national percent of significant industrial users that are discharging to POTW's with pretreatment programs that have control mechanisms in place that implement applicable pretreatment standards and requirements.



Oversight Council Concerns:

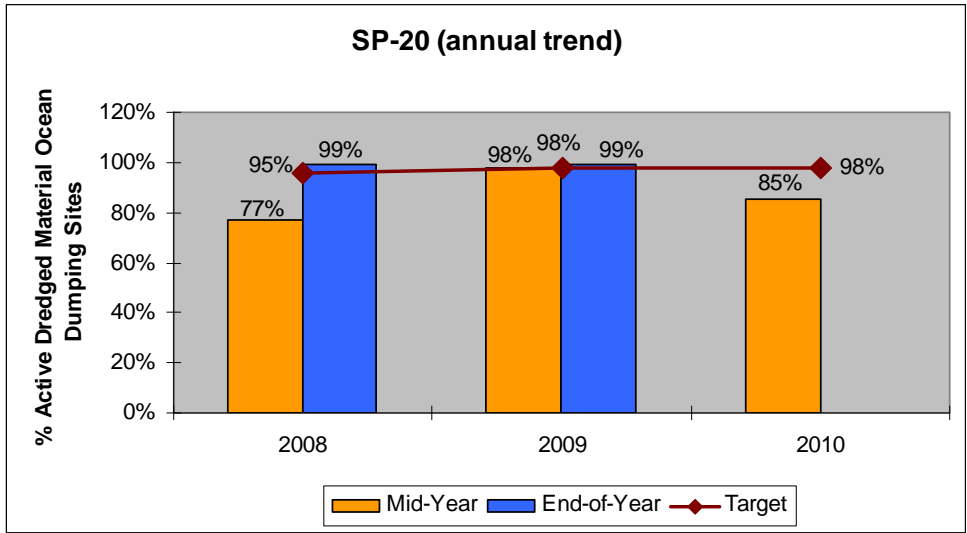
This measure has already been met. There is a data discrepancy - the FY 09 MY was 23,481 in the spreadsheet and 21,469 in ACS.

Response:

- The FY10 target for this measure is to maintain at least 98% of the significant industrial users (SIUs) with pretreatment programs to have control mechanisms in place to implement pretreatment standards and requirements. The FY10 mid-year result is 21,417 or 99% of the current universe.
- The universe of SIUs fluctuates constantly because they are industrial facilities discharging into a sewer system and are constantly going in and out of business. Since the goal is maintain at least 98% throughout the fiscal year, the mid-year result is not a guarantee that the measure will be met by the end of FY10.

Coastal Oceans

SP-20: Percent of active dredged material ocean dumping sites that will have achieved environmentally acceptable conditions (as reflected in each site's management plan and measured through on-site monitoring programs).



Oversight Council Concerns:

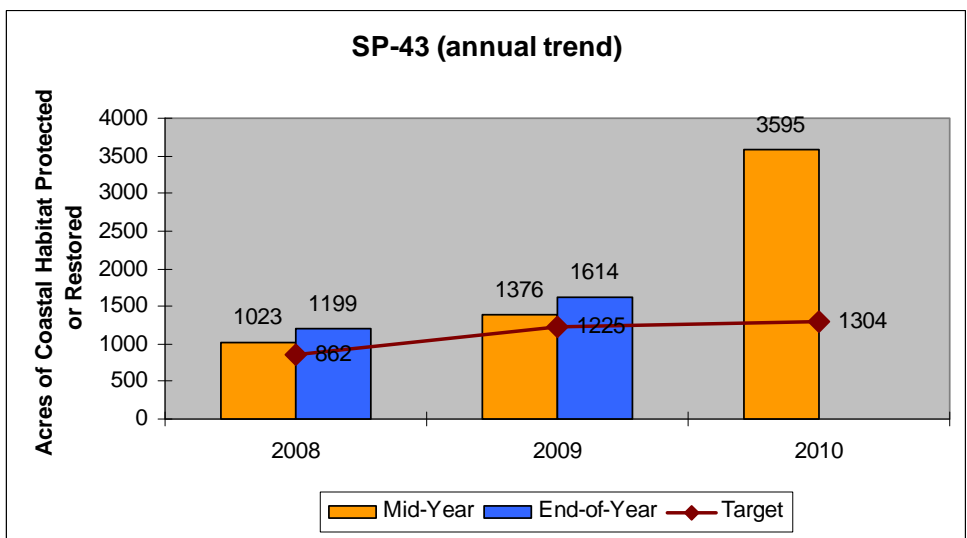
The mid-year result is a little bit lower than previous years (FY09 was 97.7%, and FY 08 was 90.2%) and there are concerns about meeting the commitment at the end of the year.

Response:

- The Agency is on target to meet the commitment of 98%. Results are currently low because Region 3's field season has not yet begun. As of the mid-year point, EPA has no reason to believe the Regions will not meet their targets.

Long Island Sound

SP-43: Percent of goal achieved in restoring, protecting or enhancing 240 acres of coastal habitat from the 2008 baseline of 1,199 acres.



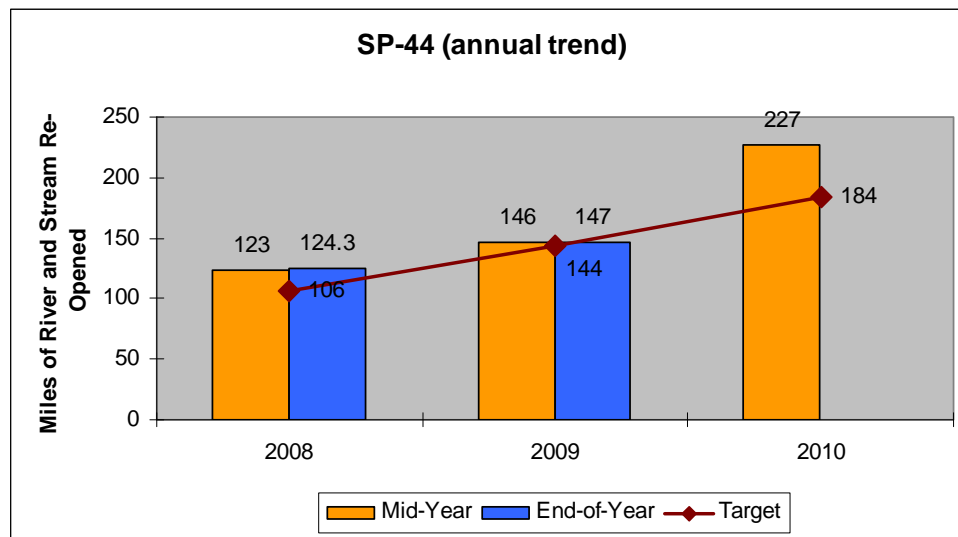
Oversight Council Concerns:

There is some concern about this measure surpassing its commitment over 100% at mid-year.

Response:

- 2,595 cumulative acres have been restored or protected at mid-year, or 1,396 acres above the baseline, which is 582% towards the goal established by the Long Island Sound Study Management Conference. The partners have surpassed the goal of 240 acres by 1,156.
- The goal for SP-43 seemed reasonable based on past progress, but EPA received additional appropriations in which the timing enabled the leveraging of funding for key stewardship projects years earlier than expected. 80% of the completed projects are acres protected; 20% are acres restored. Notable key projects include:
 - Connecticut: Barn Island State Wildlife Management Area: 48 acres
 - New York: “Diocese” property: 28 acres leveraged with \$5.0 million in NY state environmental penalty funds
 - Connecticut: Goss Property, 624 acres protected

SP-44: Percent of goal achieved in reopening 50 river and stream miles to diadromous fish passage from the 2008 baseline of 124 miles.



Oversight Council Concerns:

This measure seems to be performing very well above the commitment at mid-year.

Response:

- The LISS Management Conference does not set annual goals or targets, but does have long-term goals. Annual targets are calculated by taking the average number of acres per year for 6 years (2008 baseline to 2014 goal). Annual targets are only calculated for EPA NWPG tracking since there is no annual tracking required by the

LISS Management Conference. Many of the projects are multi-year so yearly results are variable and are affected by many external factors making annual target setting a challenge.

- In 2010, LISS will report on % towards 2014 goal rather than average acres since this will be more useful in tracking progress towards the long-term goal. One of the reasons this measure will now be reported in percentage of target rather than miles or acres was to avoid this situation where there is no annual target for acres/miles set by the Management Conference; rather we just report the current percentage toward the ultimate long-term target.

Impact of the BP Oil Spill on Gulf of Mexico Performance Measures

- It is expected that the National Coastal Condition Report (NCCR) score will decrease
- Gulf of Mexico Hypoxia Zone:
 - Northern Gulf hypoxia is a shallow water phenomenon and the oil spill and much of the dispersant use is occurring a mile deep.
 - The oil spill may exacerbate the shallow-water hypoxia through a variety of physical and biological processes
 - In the deeper Gulf, the oil is having a host of potential oxygen-depleting effects from the surface waters all the way to the seafloor.
- Oil may inundate vulnerable fringe wetlands and Submerged Aquatic habitats (SAVs) from Texas to Florida